

UNITED STATES BANKRUPTCY COURT
STANDING ORDERS
FOR THE WESTERN DISTRICT OF TEXAS
(IN EFFECT AS OF DECEMBER 1, 2000)

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS**

**AMENDED STANDING ORDER AUTHORIZING CLERK TO SIGN
CERTAIN ADMINISTRATIVE ORDERS**

Pursuant to Title 28, United States Code, Section 956, the Clerk of each Court and the Clerk's Deputies and Assistants can exercise the powers and perform the duties assigned to them by the Court. Accordingly, it is ordered that the Clerk or the Clerk's designated representative are authorized and directed to sign on behalf of the Judges of this Court the orders and notices set forth below:

- a. Order Combined with Notice of Commencement of Case under various Chapters of the Bankruptcy Code, Meeting of Creditors and Fixing of Dates.
- b. Order Setting Bar Date for Filing Proofs of Claim or Interest, including authority of the Clerk to set a bar date for filing proofs of claim or interest approximately ninety (90) days after the First Meeting of Creditors.
- c. Pay Order to Employers in Chapter 12 or 13 cases.
- d. Amended Pay Order to Employers in Chapter 12 or 13 cases (so long as such orders are accompanied by the signature of the Standing Chapter 13 Trustee).
- e. Order to Allow Claims in Chapter 12 or 13 cases.
- f. Order to Allow Additional Claims in Chapter 12 or 13 cases.
- g. Order Closing Estates and Discharging Trustees.
- h. Order to Pay Fees in Installments.
- i. Discharge Orders in Chapter 7, 12 or 13 cases.
- j. Scheduling Order.
- k. Order to Obtain Service of Process in Adversary Proceedings.
- l. Order to Seek Default Judgment in Adversary Proceedings.
- m. Order to Pay Small Dividends into Registry of the Court.
- n. Order to Pay Unclaimed Funds into Registry of the Court.

- o. Order Granting Trustee Applications to Defer Filing Fees in Adversary Proceedings until final disposition of the bankruptcy case.

This Amended Order supersedes all previous Orders entered on this subject.

It is so ORDERED.

SIGNED this 30th day of September 1994, by LARRY E. KELLY, CHIEF U. S. BANKRUPTCY JUDGE, LEIF M. CLARK, U. S. BANKRUPTCY JUDGE, RONALD B. KING, U. S. BANKRUPTCY JUDGE, and FRANK R. MONROE, U. S. BANKRUPTCY JUDGE.

Filed September 30, 1994.

*United States Bankruptcy Court
Western District of Texas*

**STANDING ORDER ESTABLISHING FACSIMILE FILING
SYSTEM IN THE WACO DIVISION**

The United States Bankruptcy Court for the Western District of Texas hereby adopts the policy of allowing facsimile filings in the Bankruptcy Clerk's Office in the Waco Division Only, effective July 1, 1996.

The Bankruptcy Clerk is directed to accept for filing via facsimile transmission any document which might be filed in a bankruptcy case or adversary proceeding except those documents or items requiring filing fees pursuant to Title 28 USC Section 1930.

The facsimile transmitted document or item accepted for filing will be recognized as the original record for file or for evidentiary purposes when it bears the Clerk's official date and time file stamp. No additional copies of the document need be sent to the Clerk nor should parties attempt to replace fax copies with duplicate originals.

So **ORDERED** this 10th day of July 1996.

Signed this 10th day of July 1996, by LARRY E. KELLY, CHIEF U. S. BANKRUPTCY JUDGE, LEIF M. CLARK, U. S. BANKRUPTCY JUDGE, RONALD B. KING, U. S. BANKRUPTCY JUDGE, and FRANK R. MONROE, U. S. BANKRUPTCY JUDGE.

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

STANDING ORDER FOR CHAPTER 13 CASE ADMINISTRATION
FOR AUSTIN DIVISION

The Bankruptcy Judges for the Western District of Texas for the Austin Division have determined that the Chapter 13 practice will be more efficiently administered if confirmation hearings are not scheduled until after the bar date for filing proofs of claim. In order to provide adequate protection for creditors and to assist debtors, attorneys and the Chapter 13 Trustee in the orderly administration of cases with this delayed confirmation process, the following procedures are determined to be necessary:

1. ADOPTION OF CHAPTER 13 PLAN FORMAT:

Attached as Exhibit-1 to this Standing Order is a Chapter 13 Plan Form which shall be used by all Chapter 13 debtors in cases where the plan is filed after the effective date of this Order. The Clerk shall make available to the public the Chapter 13 Plan F

2. BAR DATE FOR FILING PROOFS OF CLAIM BY DEBTORS:

Pursuant to Rule 3004 and 9006(c), the time that a debtor has to file a proof of claim for creditors who fail to timely file a claim is reduced. After the effective date of this Order, debtors may file a proof of claim in the name of the creditor within 20 days after expiration of the time for filing claims prescribed by Rule 3002(c). All other provisions of Rule 3004 remain unaffected by this Order.

3. OBJECTIONS TO CLAIMS:

Objections to proofs of claim must be in writing and filed no later than 30 days prior to the confirmation hearing date.

4. MOTIONS TO VALUE PROPERTY:

Any request to value the property of the estate, including motions to determine the value of a creditor's secured claim under Code § 506, must be in writing and filed no later than 30 days prior to the confirmation hearing date.

5. RESPONSES TO OBJECTIONS TO CLAIM:
RESPONSES TO MOTIONS TO VALUE PROPERTY:
OBJECTIONS TO THE DEBTOR'S PLAN OF REORGANIZATION:
AND DATE FOR HEARING ON SAME

Any response to an objection to proof of claim or to a motion to value property as well as any objection to the confirmation of the debtor's plan of reorganization must be in writing and filed no later than 10 days prior to the confirmation hearing date. All such timely filed objections to confirmation and responses shall be heard at the confirmation hearing.

6. AMENDMENTS TO THE PLAN OF REORGANIZATION:

The last date that a debtor may seek to amend its plan of reorganization is not later than 30 days prior to the date scheduled for hearing on the confirmation of the plan. After this date, if the debtor does not wish to confirm the plan on file, it may seek approval to withdraw the plan without prejudice to the right to file an amended plan on such terms as the court may order. If leave to amend is not granted, the debtor may then seek to dismiss or convert the case. Further, the court will only consider de minimis, nonsubstantive, or technical amendments to the plan at the confirmation hearing.

7. INTERIM DISBURSEMENTS BY THE CHAPTER 13 TRUSTEE:

In order to see that funds paid to the Chapter 13 Trustee are distributed as rapidly as possible to creditors, and that the creditors receive the benefit of all such payments, the Chapter 13 Trustee shall be required to disburse, in the first regular disbursement following the §341 meeting, all funds received from the debtor in each case. For all disbursements made prior to the actual confirmation of the debtor's plan, the disbursement shall be made first to administrative expenses, including the Trustee's Fee and Expense Allowance and the debtor's attorney's fees as provided in the plan but not to exceed \$100/month; and then to other priority and secured creditors pursuant to the debtor's pending plan of reorganization. However, before disbursements are made to other priority or secured claimants, certain conditions must be established: (1) the claim must be listed in the debtor's schedules and not reflect that it is contingent, unliquidated or disputed; (2) the claimant must have a timely proof of claim on file; and (3) the claim as filed must agree with the classification in the debtor's schedules. If there is a difference between amounts claimed and amounts scheduled by the debtor, for purposes of interim distribution, the Trustee will use the lower amount. No pre-confirmation disbursement will be made to claimants until all conditions a

8. NOTICE TO DEBTORS AND CREDITORS:

The substantive provisions of this Standing Order shall be noticed to all debtors and their creditors by the Chapter 13 Trustee. Notice may be given by attaching a supplemental notice to the 341 Notice, in the form of the attached Exhibit-2.

9. SERVICE OF THE PLAN:

Notwithstanding any provision of the Local Rules, the debtor shall be responsible for serving a copy of the plan as filed with the Clerk of the court, including Sections A - E, on the Chapter 13 Trustee, all creditors and other interested parties.

10. EFFECTIVE DATE:

The provisions of this Order became effective for all Chapter 13 cases where the order for relief was effective after October 1, 1991, pursuant to prior standing

The above procedures are hereby adopted for the Bankruptcy Court for the Western District of Texas in the Austin Division.

The Clerk of the court shall give notice of this Order by serving a copy on the Chapter 13 Trustees for the Western District of Texas.

IT IS SO ORDERED.

DATED: April 30, 1999

Signed this 30th day of April 1999, by LARRY E. KELLY, CHIEF U. S. BANKRUPTCY JUDGE, LEIF M. CLARK, U. S. BANKRUPTCY JUDGE, RONALD B. KING, U. S. BANKRUPTCY JUDGE, and FRANK R. MONROE, U. S. BANKRUPTCY JUDGE.

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS**

CHAPTER 13 PLAN

This Chapter 13 plan form has been approved by the court for use in the Western District of Texas, and is required in the Austin, Waco and Midland/Odessa Divisions.

The form may periodically be revised. The Office of the Clerk will provide the current version of the plan form to any party upon request.

Updated 10/1/98

CHAPTER 13 PLAN
WESTERN DISTRICT OF TEXAS
AUSTIN, WACO AND MIDLAND/ODESSA DIVISIONS

Instructions for Completion of Chapter 13 Plan

Generally: Complete all parts of each section. If the answer is “none” or “not applicable”, so state. Attach additional pages if necessary, and so note. Unless otherwise indicated, all references to the “debtor” also refer to the joint debtor in joint cases. Note: Do not include this page with copies of the plan filed with the court or served upon parties in interest.

Completion of Plan: All sections of the Plan described herein must be completed, and stapled or otherwise securely bound and filed as one document. In completing Section B, if more space is needed, please attach additional pages and clearly label the Sections referred to.

Section A - Plan Summary and Notice of Objection Periods
Section B - Provisions of Plan
Section C - Budget (attach photocopy from Chapter 13 Schedules)
Section D - Signature(s)
Section E - Proof of Service

Service of Plan: The debtor is responsible for filing the completed plan with the court, and for serving copies upon the standing trustee, creditors and other interested parties. The original plan filed with the court and the copy sent to the trustee must be printed on only one side of each page. However, copies which are sent to creditors may be two-sided to reduce mailing expense. Service is usually effected by mailing copies of the plan to the parties required to receive them. Debtors should include all pages of Sections A -E of the Plan, plus any additional attachments. Debtors should **not** include this page nor the Table of Contents with copies of the plan filed with the court or mailed to interested parties.

Name of Debtor(s): _____

Bankruptcy Case Number: _____

SECTION A - PLAN SUMMARY AND NOTICE OF OBJECTION PERIODS

Note to Creditors: Section A is the summary of the plan. Section B contains the detailed provisions of the plan and Section C is the debtor's budget. Except where noted otherwise, references to the "debtor" also refer to the debtor's spouse if the case is a joint case.

A-1. DATE OF PLAN:

This plan is:

☐ The **first** chapter 13 plan filed in this case.

☐ A modified plan, which replaces that plan filed on: _____.

That plan ☐ has ☐ has not been confirmed by the court.

A-2. ASSETS AND LIABILITIES:

A. On _____, the debtor

☐ filed for relief under chapter 13.

☐ converted a previously filed case to one under chapter 13.

B. As of that date, the debtor listed assets and liabilities of:

Total Assets: \$ _____

Total Unsecured Debt including unsecured portions of secured debt: \$ _____

Total Secured Debt: \$ _____

A-3. FUNDING OF PLAN:

The debtor proposed to pay \$ _____ per _____ for _____ months. The total amount to be paid into the plan is \$ _____, which ☐ does ☐ does not constitute all of the disposable income of the debtor during the period of the plan.

A-4. DIVIDEND TO CREDITORS:

Secured Creditors: The debtor proposes to deal with secured creditors as set forth in subsections B-4 through B-6 of this plan.

Unsecured Creditors: The debtor proposes to pay unsecured creditors an estimated payment of _____% of the present value of their allowed claims, without interest.*

* Note: The percentage shown is for the purposes of estimation only. It is based upon the amount of debt listed by the debtor in the schedules filed with the Court. If actual allowed claims are different than those scheduled by the debtor, the percentage paid to unsecured creditors may change.

For comparison, if the estate were liquidated under chapter 7, the debtor estimates that the dividend to unsecured creditors would be approximately ____%. It is estimated that distributions to the unsecured creditors will commence on the ____ month of the plan. This plan provides for payments of unsecured claims concurrently with secured and priority claims. The debtor proposes a concurrent distribution to unsecured creditors of \$_____ to be paid pro rata.

A-5. FILING PROOFS OF CLAIM:

Creditors must timely file a Proof of Claim with the court to be entitled to a dividend under the plan. A Proof of Claim form is printed on the reverse side of the Meeting of Creditors notice, which is mailed to each creditor in the case.

Proofs of claim and attachments must be filed in duplicate in order to be accepted for filing. All creditors must file a claim in order to be paid under the Plan. Secured creditors must attach proof of their perfected security interest. Every creditor filing a proof of claim shall transmit a copy with any attachments to the Debtor's attorney, or to the Debtor if appearing pro se.

Creditors have 90 days from the first date set for the meeting of creditors to file a proof of claim in a case. Debtors may file a proof of claim in the name of the creditor within 20 days after expiration of the time for filing claims prescribed by Rule 3002(c).

A-6. OBJECTIONS TO CLAIMS:

Objections to proofs of claim must be in writing and filed no later than 30 days prior to the confirmation hearing date. The first paragraph of any objection to a claim shall be typed in capital letters and shall read:

NO HEARING WILL BE CONDUCTED ON THIS OBJECTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE U.S. BANKRUPTCY COURT AND A COPY SERVED ON THE PARTY FILING THIS OBJECTION WITHIN 20 DAYS FROM DATE OF SERVICE HEREOF, UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUEST FOR A HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THE OBJECTION TO THE CLAIM SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, IT WILL BE HEARD ON THE SAME DATE AND TIME THAT THE CONFIRMATION HEARING IS SCHEDULED FOR IN THIS CASE, WHICH IS THE _____ DAY OF _____, 19____, AT _____ O'CLOCK ____M.

A-7. MOTIONS TO VALUE PROPERTY:

Any request to value the property of the estate, including motions to determine the value of a creditor's secured claim under Code § 506, must be in writing and filed no later than 30 days prior to the confirmation hearing date. The first paragraph of any motion to value property shall be typed in capital letters and shall read:

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE U.S. BANKRUPTCY COURT AND A COPY SERVED ON THE PARTY FILING THIS MOTION WITHIN 20 DAYS FROM DATE OF SERVICE HEREOF, UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUEST FOR A HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THE MOTION TO VALUE PROPERTY SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, IT WILL BE HEARD ON THE SAME DATE AND TIME THAT THE CONFIRMATION HEARING IS SCHEDULED FOR IN THIS CASE, WHICH IS THE DAY OF _____, 19____, AT _____ O'CLOCK ____M.

A-8. MOTIONS TO AVOID LIEN:

Motions to avoid lien under 11 U.S.C. § 522(f) must be in writing and filed no later than 30 days prior to the confirmation hearing date. The first paragraph of any motion to avoid lien under § 522(f) shall be typed in capital letters and shall read:

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE U.S. BANKRUPTCY COURT AND A COPY SERVED ON THE PARTY FILING THIS MOTION WITHIN 20 DAYS FROM DATE OF SERVICE HEREOF, UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUEST FOR A HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THE MOTION TO AVOID LIEN SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, IT WILL BE HEARD ON THE SAME DATE AND TIME THAT THE CONFIRMATION HEARING IS SCHEDULED FOR IN THIS CASE, WHICH IS THE _____ DAY OF _____, 19____, AT _____ O'CLOCK ____M.

A-9. OBJECTIONS TO THE DEBTOR'S PLAN OF REORGANIZATION AND DATE FOR HEARING ON SAME:

Any objection to the confirmation of the debtor's plan of reorganization must be in writing and filed with the Clerk no later than 10 days prior to the confirmation hearing date and served on the Debtor, Debtor's attorney and the Chapter 13 trustee. All such timely filed objections to confirmation and responses shall be heard at the confirmation hearing.

If any pleadings specified above are pending or if the Trustee does not recommend confirmation, the Debtor and Debtor's attorney shall attend the confirmation hearing at the place and time specified in the Meeting of Creditors and Fixing of Dates Notice.

The Debtor(s) represent that, as of the date of the confirmation hearing, they will be current on all post-petition, direct payments; and if they are not they will not ask for confirmation; and that confirmation will preclude any right the debtor(s) may otherwise have to later seek a modification of the plan to deal with any pre-confirmation defaults on direct payments.

If none of the above pleadings are pending and the Chapter 13 Trustee recommends confirmation, the Court may enter an order confirming the plan.

A-10. AMENDMENTS TO THE PLAN OF REORGANIZATION:

The last date that a debtor may seek to amend its plan of reorganization is not later than 30 days prior to the date scheduled for hearing on the confirmation of the plan. After this date, if the debtor does not wish to confirm the plan on file, it may seek approval to withdraw the plan without prejudice to the right to file an amended plan on such terms as the court may order. If leave to amend is not granted, the debtor may then seek to dismiss or convert the case. Further, the Court will only consider de minimis, non-substantive, or technical amendments to the plan at the confirmation hearing.

A-11. MOTIONS FOR RELIEF FROM OR MODIFICATION OF THE AUTOMATIC STAY:

Pursuant to Sections 362(d) and (e) of the Bankruptcy Code, where the plan designates the Trustee as disbursing agent for debt repayment, all ORDERS OR AGREED ORDERS on motions for relief from or modification of the automatic stay concerning the debt shall include the following language:

1. If the property is foreclosed or repossessed, the creditor must provide written notice by regular U.S. mail to the debtor, debtor's attorney and the Trustee;

2. Once the above-referenced notice of foreclosure or repossession is received by the Trustee, no further disbursement will be made by the Trustee on the claim until an amended claim is filed by the creditor. In addition,

3. If the claim is not amended within 90 days, then the claim will have been deemed to have been satisfied by the foreclosure/repossession and further treatment through the plan will have been deemed to have been waived.

A-12. INTERIM DISBURSEMENTS BY THE CHAPTER 13 TRUSTEE:

The Chapter 13 Trustee shall be required to disburse, in the first regular disbursement following the §341 meeting, all funds received from the debtor in each case. For all disbursements made prior to the actual confirmation of the debtor's plan, the disbursement shall be made first to administrative expenses, including the Trustee's Fee and Expense Allowance and the debtor's attorney's fees as provided in the plan but not to exceed \$100/month; and then to other priority and secured creditors pursuant to the debtor's pending plan of reorganization. However, before disbursements are made to other priority or secured claimants, certain conditions must be established: (1) the claim must be listed in the debtor's schedules and not reflect that it is contingent, unliquidated or disputed; (2) the claimant must have a timely proof of claim on file; and (3) the claim as filed must agree with the classification in the Debtor's schedules. If there is a difference between amounts claimed and amounts scheduled by the debtor, for purposes of interim distribution, the Trustee will use the lower amount. No pre-confirmation disbursement will be made to claimants until both conditions are met.

A-13. PAYMENT PROCEDURE:

If a secured claim is scheduled to receive a specific monthly payment, the Chapter 13 software operates to pay that secured claim only that specific monthly payment, even if other secured claims are not filed. If a secured claim is scheduled to be paid a pro rata amount each month, and if other secured claims scheduled to be paid pro rata are not filed, the filed secured pro rata claim will receive a proportionately greater amount of money.

A-14. MOTIONS TO INCUR NON-EMERGENCY CONSUMER DEBT:

The debtor shall not incur non-emergency consumer debt without written approval of either the court or the trustee.

The debtor shall make written application to the trustee for approval to incur non-emergency consumer debt. The debtor shall not file the application with the clerk. If approved by the trustee, the trustee shall file the approval and the application with the clerk. If not approved by the trustee within ten days, the debtor may then file with the clerk a motion to incur non-emergency consumer debt and the motion shall contain as an attachment the trustee's denial of the application to incur debt.

SECTION B - PROVISIONS OF PLAN

Note: Items B-3 through B-7 and B-10 detail proposed payments to creditors under the plan.

B-1. ELIGIBILITY:

The debtor is an individual who owed, on the date of the filing of the petition commencing this case, non-contingent, liquidated and unsecured debts totaling \$_____ and non-contingent, liquidated and secured debts totaling \$_____. The debtor has regular income and is otherwise eligible for relief under 11 U.S.C. § 109(e) of the United States Bankruptcy Code. This plan is proposed in good faith and complies with all applicable provisions of chapter 13 and the United States Bankruptcy Code.

B-2. FUNDING OF PLAN:

The debtor will commit the following future earnings, property or other income to the custody and control of the standing trustee to fund the chapter 13 plan:

☐ Equal Monthly Payments of \$_____ per month for _____ months beginning _____
payroll deduction?: ☐ yes ☐ no

☐ Equal Payments of \$_____ every ☐ week
☐ two weeks
☐ twice monthly
for _____ months beginning _____.
payroll deduction?: ☐ yes ☐ no

Equivalent monthly payment is:

☐ weekly payment of \$_____ x 4.33 = \$_____
☐ payment every two weeks of \$_____ x 2.17 = \$_____
☐ payment twice monthly of \$_____ x 2 = \$_____

☐ Other Payments:

<u>Date</u>	<u>Amount</u>	<u>Source</u>
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B-3. PAYMENTS TO PRIORITY CREDITORS:

A. **Priority Creditors Under 11 U.S.C. § 1326(a).** The following priority creditors shall be fully paid by deferred cash payments.

1. **Trustee:** 10% of all sums disbursed, except any funds returned to the debtor.

2. **Debtor's Attorney:** \$_____ balance due of total fee of \$_____; to be paid at \$_____ per month under the plan.

B. **Priority Creditors Under 11 U.S.C. § 1322(2).** The following priority creditors will be fully paid by deferred cash payments, unless the holder of such a claim agrees to be treated differently.

<u>Creditor</u>	<u>Type of Claim</u>	<u>Balance Due</u>	<u>Term of payments</u> <u>Begin/End</u>
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**B-4. CREDITORS SECURED BY PROPERTY OTHER THAN REAL ESTATE.
DEBTOR TO RETAIN COLLATERAL:**

Creditors whose claims are secured by property other than real estate and whose collateral is to be retained by the debtor shall retain their liens and be paid as indicated below. Insurance will be maintained upon such collateral at the debtor's expense, in accordance with the terms of the contract and security agreement creating such security interest.

- 2. To be Paid in Full Through Trustee.** Creditors named below whose claims are allowed will be paid the equivalent of 100% of the present fair market value of their collateral, not to exceed the outstanding balance of the obligation, in deferred cash payments. This will fully satisfy the secured portion of such creditor's allowed claim. The excess of such a creditor's claim over and above the fair market value of its collateral will be paid as an unsecured claim.

Creditor:

Balance Due: \$_____

Collateral (description):

Fair Market Value: \$_____

Source of Valuation:

- ☐ Secured claim to be amortized by monthly payments through trustee of \$_____ for _____ months, which includes interest on deferred principal at the rate of ____% per annum, or
- ☐ Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of _____ per annum.
or
- ☐ Other:

Creditor:

Balance Due: \$_____

Collateral (description):

Fair Market Value: \$_____

Source of Valuation:

- ☐ Secured claim to be amortized by monthly payments through trustee of \$_____ for _____ months, which includes interest on deferred principal at the rate of ____% per annum, or
- ☐ Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of _____ per annum.
or
- ☐ Other:

Creditor:

Balance Due: \$_____

Collateral (description):

Fair Market Value: \$_____

Source of Valuation:

- ☐ Secured claim to be amortized by monthly payments through trustee of \$_____ for _____ months, which includes interest on deferred principal at the rate of ____% per annum, or
- ☐ Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of _____ per annum.
or
- ☐ Other:

B. To Be Paid Directly By Debtor. Creditors named below whose claims are allowed will be paid directly by the debtor in accordance with the terms of the contract and security agreement.

Creditor:

Balance Due: \$ _____

Regular Installment payment of \$ _____ per _____

Collateral (description):

Fair Market Value: \$ _____

Source of Valuation:

Creditor:

Balance Due: \$ _____

Regular Installment payment of \$ _____ per _____

Collateral (description):

Fair Market Value: \$ _____

Source of Valuation:

The Debtor(s) represent that, as of the date of the confirmation hearing, they will be current on all post-petition, direct payments; and if they are not, they will not ask for confirmation; and that confirmation will preclude any right the debtor(s) may otherwise have to later seek a modification of the plan to deal with any pre-confirmation defaults on direct payments.

C. Delinquency to be Cured Through Plan, Regular Payments to be Paid Directly by Debtor.

Creditor:

Principal Balance Due: \$ _____

Description of Security:

Debtor's estimation of value:

Regular Monthly Installment Payment: \$ _____

Payment delinquency and other defaults: Amount: \$ _____

To be cured by payments of \$ _____ per month for _____ months,

☐ without interest

☐ including interest on the sum deferred at the rate of _____% per annum.

Creditor:

Principal Balance Due: \$ _____

Description of Security:

Debtor's estimation of value:

Regular Monthly Installment Payment: \$ _____

Payment delinquency and other defaults: Amount: \$ _____

To be cured by payments of \$ _____ per month for _____ months,

☐ without interest

☐ including interest on the sum deferred at the rate of _____% per annum.

Creditor:

Principal Balance Due: \$ _____

Description of Security:

Debtor's estimation of value:

Regular Monthly Installment Payment: \$ _____

Payment delinquency and other defaults: Amount: \$ _____

To be cured by payments of \$ _____ per month for _____ months,

☐ without interest

☐ including interest on the sum deferred at the rate of _____% per annum.

B-5. Creditors Secured by Property Which Will be Surrendered by the Debtor. Upon confirmation of the plan, if not before, the debtor will surrender the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy such creditor's claim, the creditor shall hold a non-priority, unsecured claim. The entry of the Order confirming the plan shall have the effect of terminating the stay of 11 U.S.C. § 362(a) as to the collateral surrendered, thereby allowing the recovery and disposition of such property according to applicable non-bankruptcy law.

Creditor:
Collateral to be surrendered:
Debtor's estimation of value: \$_____

Creditor:
Collateral to be surrendered:
Debtor's estimation of value: \$_____

Creditor:
Collateral to be surrendered:
Debtor's estimation of value: \$_____

B-6. CREDITORS WITH CLAIMS SECURED BY REAL ESTATE:

Creditors whose claims are secured by real estate which is to be retained by the debtor shall retain their liens and be paid as indicated below. Insurance will be maintained upon such collateral at the debtor's expense, in accordance with the terms of the contract and deed of trust creating the lien thereon.

A. Claims Secured Only by Interest in Debtor's Principal Residence: Creditors named below are secured only by a security interest in real estate which is the debtor's principal residence. Creditors whose claims are allowed will have any delinquency accrued or default which occurred before the filing of the petition commencing this case cured through the plan. All obligations of the debtor under the contract and deed of trust (except as pertains to the curing of the below-described arrearage) will be performed by the debtor in accordance with the terms of such contract and deed of trust encumbering the property.

Creditor:
Principal Balance Due: \$_____
Description of Security:
Regular Monthly Installment Payment: \$_____
Pre-petition delinquency and other defaults: _____ Amount: \$_____
To be cured by payments of \$_____ per month for ____ months,
[] without interest [] including interest on the sum deferred at the rate of ____% per annum.
Payments to cure pre-petition delinquency and other defaults to be paid:
[] through trustee [] directly by debtor.
Regular payments accruing post-petition to be paid:
[] through trustee [] directly by debtor.

Creditor:
Principal Balance Due: \$_____
Description of Security:
Regular Monthly Installment Payment: \$_____
Pre-petition delinquency and other defaults: _____ Amount: \$_____
To be cured by payments of \$_____ per month for ____ months,
[] without interest [] including interest on the sum deferred at the _____ rate of ____% per annum.

Payments to cure pre-petition delinquency and other defaults to be paid:

☐ through trustee ☐ directly by debtor.

Regular payments accruing post-petition to be paid:

☐ through trustee ☐ directly by debtor.

- B. Other Claims Secured by Real Property.** Creditors named below are secured by a security interest in real estate other than the debtor's principal residence. Creditors whose claims are allowed will be paid the equivalent of 100% of the present fair market value of their collateral in deferred cash payments. This will fully satisfy the secured portion of such creditor's allowed claim. The excess of such a creditor's claim over and above the fair market value of its collateral will be paid as an unsecured claim.

Creditor:

Balance Due: \$_____

Collateral (description):

Fair Market value: \$_____

Source of Valuation:

☐ Secured claim to be amortized by monthly payments through trustee of \$_____ for ____ months, which includes interest on deferred principal at the rate of _____% per annum, or

☐ Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of _____ per annum.

or

☐ Other:

Creditor:

Balance Due: \$_____

Collateral (description):

Fair Market value: \$_____

Source of Valuation:

☐ Secured claim to be amortized by monthly payments through trustee of \$_____ for ____ months, which includes interest on deferred principal at the rate of _____% per annum, or

☐ Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of _____ per annum.

or

☐ Other:

Creditor:

Balance Due: \$_____

Collateral (description):

Fair Market value: \$_____

Source of Valuation:

☐ Secured claim to be amortized by monthly payments through trustee of \$_____ for ____ months, which includes interest on deferred principal at the rate of _____% per annum, or

☐ Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of _____ per annum.

or

☐ Other:

- C. **Other Claims Secured by Real Property.** Delinquency to be cured through the plan. Regular payments to be paid directly by the debtor.

Creditor:

Principal Balance Due: \$ _____

Description of Security:

Debtor's estimation of value:

Regular Monthly Installment Payment: \$ _____

Amount: \$ _____

To be cured by payments of \$ _____ per month for _____ months,

☐ without interest ☐ including interest on the sum deferred at the
rate of _____% per annum.

Payments to cure pre-petition delinquency and other defaults to be paid:

☐ through trustee ☐ directly by debtor

Regular payments accruing post-petition to be paid:

☐ through trustee ☐ directly by debtor

B-7. UNSECURED CREDITORS NOT ENTITLED TO PRIORITY:

Unsecured creditors with claims not entitled to priority under the Bankruptcy Code will receive estimated payment of __% of the present value of their allowed claims, without interest. For comparison, if the estate were liquidated under Chapter 7, the debtor estimates that the dividend to unsecured creditors would be approximately ____%. This percentage is based upon the amount of debt listed by the debtor in the Chapter 13 schedule filed with the Court. If actual allowed claims are different than those scheduled by the debtor, the percent to be paid to unsecured creditors may change. It is estimated that distribution to the unsecured creditors will commence on the _____ month of the plan. This plan provides for payments of unsecured claims with secured and priority claims. The debtor proposes a concurrent distribution to unsecured creditors of \$ _____ to be paid pro rata.

B-8. EXECUTORY CONTRACTS AND LEASES:

- A. Rejection: The debtor will reject the following executory contracts and/or leases.

Other Party to Contract

Type of Agreement

Dated

- b. Assumption: The debtor will assume the following executory contracts and/or leases.

Other Party to Contract

Type of Agreement

Dated

B-9. TITLE OF PROPERTY TO REVEST IN DEBTOR:

Except as noted, all property of the debtor shall revest in the debtor upon confirmation of the plan.

Exceptions: __ none

B-10. OTHER PROVISIONS OF PLAN:

Other: _____ none

SECTION C - BUDGET

A photocopy of Budget, which is Schedules I and J of the bankruptcy schedules giving a summary of income and expenses, is attached. In addition, a pro forma reflecting the amount distributed to creditors during the pendency of the plan may be attached.

[Note to debtor: be sure that the budget is attached to each copy of the plan filed with the court or served upon a party in interest.]

SECTION D - SIGNATURE(S)

Dated: _____

Signature of Attorney

Signature of Debtor

Address of Attorney (If applicable)

Signature of Joint Debtor

City, State, Zip

Address of Debtor(s)

Telephone Number, including area code

City, State, Zip

Texas Bar Number

Telephone Number, including area code

SECTION E - PROOF OF SERVICE

The undersigned hereby certifies that on this date the foregoing Chapter 13 plan was served upon the standing Trustee, all creditors, and other interested parties by:

[] mailing a complete copy of the plan, including a photocopy of the Budget, to each party,
or by

[] _____

On the original and all copies filed with the Clerk, a separate Certificate of Service shall also be attached, indicating specifically the parties served (including their addresses), the method of service, the date of service, shall be signed, and shall state that service in compliance with Local Rule 9013 (g), if applicable, has been accomplished.

Dated: _____

Signature of attorney or pro se debtor

Printed Name

Additional Court-Ordered Notices

ADOPTION OF CHAPTER 13 PLAN FORMAT:

The Court for the Austin, Waco and Midland Divisions has adopted a Chapter 13 Plan Form which shall be used by all Chapter 13 Debtors in cases where the plan is filed after the effective date of the Standing Order. The Clerk shall make available to the public the Chapter 13 Plan Form.

FILING PROOFS OF CLAIM:

Proofs of claim and attachments must be filed in duplicate in order to be accepted for filing. All creditors must file a claim in order to be paid under the Plan. Secured creditors must attach proof of their perfected security interest. Every creditor filing a proof of claim shall transmit a copy with any attachments to the Debtor's attorney, or to the Debtor if appearing pro se.

Creditors have 90 days from the first date set for the meeting of creditors to file a proof of claim in a case. Debtors may file a proof of claim in the name of the creditor within 20 days after expiration of the time for filing claims prescribed by Rule 3002(c).

OBJECTIONS TO CLAIMS:

Objections to proofs of claim must be in writing and filed no later than 30 days prior to the confirmation hearing date.

MOTIONS TO VALUE PROPERTY:

Any request to value the property of the estate, including motions to determine the value of a creditor's secured claim under Code § 506, must be in writing and filed no later than 30 days prior to the confirmation hearing date.

RESPONSES TO OBJECTIONS TO CLAIMS:

RESPONSES TO MOTIONS TO VALUE PROPERTY:

OBJECTIONS TO THE DEBTOR'S PLAN OR REORGANIZATION:

AND DATE FOR HEARING ON SAME:

Any response to an objection to proof of claim or to a motion to value property as well as any objection to the confirmation of the debtor's plan of reorganization must be in writing and filed no later than 10 days prior to the confirmation hearing date. All such timely filed objections to confirmation and responses shall be heard at the confirmation hearing.

If any pleadings specified above are pending or if the Trustee does not recommend confirmation, the Debtor and Debtor's attorney shall attend the confirmation hearing at the place and time specified in this Notice.

If none of the above pleadings are pending and the chapter 13 Trustee recommends confirmation, the hearing will be deemed to have been waived by all parties and the Court may enter an order confirming the plan prior to the originally scheduled confirmation hearing date.

AMENDMENTS TO THE PLAN OF REORGANIZATION:

The last date that a debtor may seek to amend its plan of reorganization is not later than 30 days prior to the date scheduled for hearing on the confirmation of the plan. After this date, if the debtor does not wish to confirm the plan on file, it may seek approval to withdraw the plan without prejudice to the right to file an amended plan on such terms as the court may order. If leave to amend is not granted, the debtor may then seek to dismiss or convert the case. Further, the Court will only consider de minimis, nonsubstantive, or technical amendments to the plan at the confirmation hearing.

INTERIM DISBURSEMENTS BY THE CHAPTER 13 TRUSTEE:

The Chapter 13 Trustee shall be required to disburse, in the first regular disbursement following the §341 meeting, all funds received

from the debtor in each case. For all disbursements made prior to the actual confirmation of the debtor's plan, the disbursement shall be made first to administrative expenses, including the Trustee's Fee and Expense Allowance and the debtor's attorney's fees as provided in the plan but not to exceed \$100/month; and then to other priority and secured creditors pursuant to the debtor's pending plan of reorganization. However, before disbursements are made to other priority or secured claimants, certain conditions must be established: (1) the claim must be listed in the debtor's schedules and not reflect that it is contingent, unliquidated or disputed; (2) the claimant must have a timely proof of claim on file; and (3) the claim as filed must agree with the classification in the Debtor's schedules. If there is a difference between amounts claimed and amounts scheduled by the debtor, for purposes of interim distribution, the Trustee will use the lower amount. No pre-confirmation disbursement will be made to claimants until all conditions are met.

PAYMENT PROCEDURE:

If a secured claim is scheduled to receive a specific monthly payment, the Chapter 13 software operates to pay that secured claim only that specific monthly payment, even if other secured claims are not filed. If a secured claim is scheduled to be paid a pro rata amount each month, and if other secured claims scheduled to be paid pro rata are not filed, the filed secured pro rata claim will receive a proportionately greater amount of money.

FILING AND SERVICE OF THE PLAN:

Failure to file a Chapter 13 Plan and Schedules and serve the Trustee with a file stamped copy within fifteen (15) days of the date of the Chapter 13 Petition, or failure to file an Application for extension of time to file such Plan and Schedules may result in summary dismissal of the case without notice of hearing.

Notwithstanding any provision of the Local Rules, the Debtor shall be responsible for serving a copy of the plan as filed with the Clerk of the Court, including Sections A - E, on the Chapter 13 Trustee, all creditors and other interested parties. The Plan must be served on creditors and other interested parties five (5) days following the filing of the Plan with Certificate of Service of such Plan served upon the Clerk and Trustee; failure to do so may result in summary dismissal without notice or hearing.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS

STANDING ORDER RELATING TO CHAPTER 13 PRACTICE
IN THE EL PASO DIVISION

The following Standing Order sets out certain practices and procedures which shall apply to the Chapter 13 Practice in the El Paso Division.

If you are involved in chapter 13 cases in the Western District of Texas in the El Paso division, please review the terms of this Order carefully. The procedures set out herein will directly affect your practice. Please note that the procedures for chapter 13 practice in the other divisions are not the same, and are governed by different standing orders.

1. CHAPTER 13 PLAN SUMMARIES

The Debtor shall prepare a Summary of the Chapter 13 Plan, in a form substantially the same as the Plan Summary Form attached as an exhibit to this Order, and shall file the Summary with the Chapter 13 Plan and Chapter 13 Schedules.

2. SERVICE OF PLAN SUMMARIES

(a) If the Plan, Schedules and Plan Summary is filed with the Chapter 13 petition at the commencement of the case, then the Chapter 13 Trustee will serve the Plan Summary on all creditors and other parties in interest (the Chapter 13 Trustee receives a copy of the filing package from the clerk of the court). The service of the Plan Summary shall be deemed to satisfy the requirements of Bankruptcy Local Rule 3015(a) in the El Paso Division.

(b) If a Chapter 13 petition is filed without the Plan, Schedules, and/or the Plan Summary, then the debtor and/or debtor's counsel shall, within two (2) business days of the Plan, Schedules, and Plan Summary have all been filed, serve a copy of the Plan Summary on all creditors and other parties in interest, and upon the Chapter 13 Trustee. The service of the Plan Summary shall be deemed to satisfy the requirements of Bankruptcy Local Rule 3015(a) in the El Paso Division.

(c) A Certificate of Service must be filed with the clerk of the court reflecting service of the Plan Summary. A copy of the Certificate of Service must be served upon the Chapter 13 Trustee.

3. MODIFICATIONS AND NEW PLAN SUMMARIES

Whenever a Chapter 13 plan is modified, the Debtor shall prepare and file a new Plan Summary to accompany the modified plan, and shall serve the new Plan Summary upon all creditors and parties in interest, and upon the Chapter 13 Trustee within two (2) business days after filing. The timely service of the new Plan Summary shall be deemed to satisfy the requirements of Bankruptcy Local Rule 3015(b) in the El Paso Division.

A Certificate of Service must be filed with the clerk of the court reflecting service of the new Plan Summary, and a file-stamped copy of the Certificate of Service must be served upon the Chapter 13 Trustee.

4. SUMMARY DISMISSAL OF CASE

The Notice and Order for First Meeting of Creditors issued in all Chapter 13 cases in the El Paso Division shall contain a prominent notice that a case may be summarily dismissed for any one of the following causes:

- (a) Failure of the Debtor to timely file a Plan, Schedules, or Plan Summary, and failure of the Debtor to file, within fifteen (15) days of the filing of the petition, a motion for extension of time to file the Plan, Schedules, and/or Plan Summary. If an extension is sought, the motion for extension must be served upon the Chapter 13 Trustee.
- (b) Failure of the Debtor to timely serve on the appropriate parties a copy of the Plan Summary;
- (c) Failure of the Debtor to substantially comply with the Plan Summary format attached hereto;
- (d) Unexcused failure of the Debtor to appear at the scheduled meeting of creditors;
- (e) Failure of the Debtor to pay filing fees (including installment filing fees) when due;
- (f) Failure of the Debtor to commence timely payment of payments proposed by the Plan, or to remain current on such payments both before and after confirmation. Remaining current, for purposes of this Order shall mean that the Debtor is not more than 60 days in arrears; OR
- (g) Failure of the Debtor to get the Chapter 13 Plan confirmed at the scheduled confirmation hearing date.

To effectuate this summary dismissal procedure, the Chapter 13 Trustee shall submit an order to the court substantially in compliance with Exhibit "A" attached hereto.

5. DUTIES OF TRUSTEES UNDER CHAPTERS 12 AND 13

- (a) Trustee's Recommendation Concerning Confirmation

It is sufficient for the purposes of Local Rule 3015(e)(2)(iii) that the Trustee note her recommendation concerning confirmation of the Debtor's Chapter 13 plan by signing off on the Confirmation Order.

- (b) Recommendation Concerning Claims

After the deadline for filing proofs of claim has passed, the Trustee shall file a Recommendation Concerning Claims and serve a copy thereon upon all creditors and parties in interest whose claims are in any way proposed by the Trustee or the Debtor to be treated differently than as reflected in their proofs of claim.

No order will be entered approving the Chapter 13 Trustee's Recommendation Concerning Claims. Instead, if no objection or other response is timely filed, then the Recommendation shall be binding upon all parties in interest, and the Chapter 13 Trustee is authorized to make disbursements according to the provisions of said Recommendation, without further order of the court.

If an objection or response to the Recommendation Concerning Claims is timely filed, the Chapter 13 Trustee may nonetheless make distribution in accordance with the provisions of said Recommendation, except with respect to the claim the subject of the response or objection. The Chapter 13 Trustee shall reserve funds attributable to the challenged claim, until the allowance or treatment of the claim(s) has been resolved. If as a result of the claims resolution there is a greater amount of money available for distribution to creditors, the Chapter 13 Trustee may adjust the payments to creditors accordingly, without having to file a further Recommendation Concerning Claims.

The Recommendation Concerning Claims must prominently display the following notice language:

"NO HEARING WILL BE CONDUCTED ON THE RECOMMENDATION CONCERNING CLAIMS (OR ITS TREATMENT OF ANY CLAIMS) UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE COURT AND SERVED UPON THE CHAPTER 13 TRUSTEE AT THE FOLLOWING ADDRESS: [INSERT ADDRESS]. SUCH RESPONSE MUST BE FILED AND SERVED WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE OF THIS RECOMMENDATION CONCERNING CLAIMS (DATE OF SERVICE IS INDICATED ON THE RECOMMENDATION CONCERNING CLAIMS), UNLESS THE COURT, UPON MOTION, EXTENDS THE TIME FOR SUCH FILING. IF NO RESPONSE IS TIMELY FILED AND SERVED, THE TREATMENT OF CLAIMS REFLECTED IN THIS RECOMMENDATION CONCERNING CLAIMS SHALL BE DEEMED APPROVED BY THE COURT WITHOUT FURTHER HEARING OR ORDER. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING THEREON ON NOT LESS THAN THIRTY (30) DAYS NOTICE."

In addition, the Recommendation must contain the following paragraph, in bold faced type:
By Order of the court, the Recommendation Concerning Claims shall be deemed to set a **BAR DATE** for objecting to claims, for contesting the validity or priority of liens, and for challenging the priority of claims. Said **BAR DATE** shall be deemed to be the twentieth day after the service of the Recommendation Concerning Claims, as reflected in the certificate of service attached thereto. Any objection to claim, any motion or adversary proceeding contesting the validity or priority of any claim may not be filed after the expiration of the bar date except upon leave of court, after motion requesting such leave, and upon notice and hearing to the Standing Chapter 13 Trustee, the debtor, the debtor's counsel and all creditors and parties in interest.

(b) POST-CONFIRMATION CHAPTER 13 PLAN MODIFICATIONS

In addition to the provisions of Bankruptcy Local Rule 3024, the following provisions apply to motions to modify the Chapter 13 Plan (including Motions for Suspension of Chapter 13 Plan Payments) in the El Paso Division.

A motion for post-confirmation modification of the Chapter 13 Plan may be dismissed without further notice or hearing if the movant has failed to submit the motion to the Chapter 13 Trustee for review and recommendation. The Chapter 13 Trustee shall indicate on the form of order submitted with the motion whether trustee approves or disapproves of the modification. If the trustee does not approve of the motion, the motion shall be set for hearing.

A motion for post-confirmation modification of the Chapter 13 Plan may be approved without notice to creditors and parties in interest if (1) the Trustee has approved the Plan Payment Modification in writing and either (2) the modification proposes an increase in the amount of payments or (3) all adversely affected creditors have expressly consented to the proposed modification.

(c) DISPOSITION OF FEDERAL INCOME TAX REFUNDS IN CHAPTER 13 CASES

In addition to the provisions of Bankruptcy Local Rule 3025, in the El Paso Division, the balance of any refund after payment of all obligations to the Internal Revenue Service may be issued and delivered by the Internal Revenue Service directly to the Chapter 13 Debtor or to the Chapter 13 Trustee, in the discretion of the Internal Revenue Service.

(d) ADMINISTRATIVE EXPENSES FOR CHAPTER 13 TRUSTEES FOR NOTICING CONFIRMED AND UNCONFIRMED CASES;

Chapter 13 Trustees shall be responsible for the noticing of the following:

- (a) Orders for Meeting of Creditors, Combined with Notice Thereof and of Automatic Stay, reset notices and correcting notices;
- (b) Trustee's Recommendation Concerning Claims and/or Orders Concerning Claims and Setting Bar Date for Objections to Claims;
- (c) Trustee's Motion to Dismiss with Notice of Hearing;
- (d) Discharge and Dismissal Notices.

Because of the additional expense incurred by Chapter 13 Trustees in noticing the foregoing items, the Trustees shall be permitted to charge to and collect from the debtor's case, as an expense of administration, the cost of such noticing, at a rate not more than \$.50 (fifty cents) per notice, plus actual postage.

Because of the additional expense incurred by the Chapter 13 Trustee in the preparation and setting up of original cases, each Standing Chapter 13 Trustee shall be allowed to collect as an administrative expense for any case which is dismissed or converted prior to confirmation a fee of \$50.00 per case, plus noticing at \$.50 (fifty cents) per notice, plus actual postage for noticing.

The Chapter 13 Trustee shall also collect administrative expenses for any or all of the above noticing and actual postage charges at a cost of \$.50 (fifty cents) per notice, and at the trustees' actual cost for postage.

It is so ORDERED.

SIGNED this 30th day of April 1999, by LARRY E. KELLY, CHIEF U. S. BANKRUPTCY JUDGE, LEIF M. CLARK, U. S. BANKRUPTCY JUDGE, RONALD B. KING, U. S. BANKRUPTCY JUDGE, and FRANK R. MONROE, U. S. BANKRUPTCY JUDGE.

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
_____ DIVISION

IN RE:

CASE NO.

DEBTOR(S)

CHAPTER 13

CHAPTER 13 PLAN SUMMARY

<u>NOTICE:</u>	Local Rule 3002 provides, in part: "Every Creditor filing a Proof of Claim in all cases shall transmit a copy with attachments, if any, to the Debtor's attorney."
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Creditors

are hereby notified WITHOUT FURTHER NOTICE that the Plan may be amended at the First Meeting of Creditors (341 (a) meeting). Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments and estimates of allowed claims may also change. The following information is an attempt to advise Creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the First Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the office of the U. S. Bankruptcy Clerk.

- (e) The Debtor's Plan Payment is scheduled at \$ _____ monthly. " Pay Order, " Pay Order waived.
- (f) The Plan proposes to pay in full all allowed priority, special class and secured claims to the extent of the value of their collateral, and approximately _____ % of the unsecured allowed claims in _____ months. (See Note 1).
- (g) Value of nonexempt assets \$ _____. " Federal or " State. " Consumer Debtor or " Business Debtor.
- (h) Debtor monthly net income \$ _____ - expenses \$ _____ = available for plan \$ _____.
- (i) If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in the "Remarks" Section for such debt.

Note 1: Creditors should note that the Debtor(s)' projection of the percentage payment of allowed general unsecured claims is only an estimate. Such percentage is based upon the amount of debt of all classes listed by the Debtor(s) in the Debtor(s)' schedules filed with the Court. If actual claims (including any amended claims) are filed and allowed by the Court in an amount greater than that scheduled by the Debtor(s), the percentage paid to unsecured creditors may be less than estimated here.

PRIORITY CREDITORS:

Creditor	Estimated Amount of Debt	Payment Method 1. Before 2. After 3. Along with Secured Creditors	Remarks
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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
_____ DIVISION

IN RE:

CASE. NO.

DEBTOR(S)

CHAPTER 13

CHAPTER 13 PLAN SUMMARY
Continuation Sheet # 1

SECURED CREDITORS:

Creditor / Collateral	Estimated Amount	Estimated Value	Unsecured Portion	Mo. Pmt. or Method of Disbursement on Est. Value	Insured (Yes/No) Name of Insurance	Indicate if to be Sold or Returned	Int. Rate	Remarks
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SPECIAL CLASS UNSECURED CREDITORS:

Creditor	Special Condition	Estimated Debt	Mo. Pmt. or Method of Disbursement on Est. Value	Remarks
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GENERAL UNSECURED CREDITORS:

Creditor	Estimated Debt	Remarks
----------	----------------	---------

If your claim does NOT appear above as a priority, secured, or special class claim, then your claim is proposed as a general unsecured claim (there is no lien or security interest on collateral securing its repayment). You will be paid on a pro-rata basis, which means in an amount as the amount of your claim relates to the total amount of unsecured debts (see below for that amount). The Plan presently proposes to pay to the unsecured class approximately 100% of the allowed amount of the claim. Unsecured claims are normally paid toward the end of the plan after payment to priority, secured and special class unsecured claims, so it may be some time before you begin receiving payments from the Trustee.

TOTALS OF DEBTS BEING TREATED UNDER THE PLAN:

Total Priority \$_____, Total Secured \$_____, Total Special Class \$_____, Total Unsecured \$_____.
(including unsecured portions of secured debts)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
_____ DIVISION

IN RE:

DEBTOR(S)

CASE. NO.

CHAPTER 13

CHAPTER 13 PLAN SUMMARY

Continuation Sheet # 2

Dated: _____

Attorney for Debtor(s)

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

In Re:	§	Case No.
	§	
Debtor(s)	§	Chapter ____

ORDER FOR SUMMARY DISMISSAL OF CASE

Pursuant to the Standing Order for Case Administration for this Division and the Notice sent to creditors at the commencement of this case, the Trustee's signature herebelow certifies that this case should be summarily dismissed because the Debtor(s) failed to:

- _____ 1. timely file a Plan, Schedules, or Plan Summary;
- _____ 2. prepare and serve all creditors and the trustee with a copy of the Plan Summary within two (2) business days of the date Debtor's Plan was filed;
- _____ 3. attend the scheduled First Meeting of Creditors;
- _____ 4. timely commence making payments under Debtor's proposed Plan;
- _____ 5. remain current on making payments under Debtor's proposed or Debtor's Confirmed Plan;
- _____ 6. pay the filing fee (including installment filing fees) when due;
- _____ 7. have the Chapter 13 plan confirmed at the confirmation hearing;
- _____ 8. cure a default pursuant to a prior order _____
- _____ 9. Other: _____

Date: _____

Chief Judge Larry E. Kelly

I certify that the above facts are true:

Chapter 13 Trustee

Date: _____

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

STANDING ORDER FOR CHAPTER 13 CASE ADMINISTRATION
FOR MIDLAND/ODESSA DIVISION

The Bankruptcy Judges for the Western District of Texas for the Midland/Odessa Division have determined that the Chapter 13 practice will be more efficiently administered if confirmation hearings are not scheduled until after the bar date for filing proofs of claim. In order to provide adequate protection for creditors and to assist debtors, attorneys and the Chapter 13 Trustee in the orderly administration of cases with this delayed confirmation process, the following procedures are determined to be necessary:

1. ADOPTION OF CHAPTER 13 PLAN FORMAT:

Attached as Exhibit-1 to this Standing Order is a Chapter 13 Plan Form which shall be used by all Chapter 13 debtors in cases where the plan is filed after the effective date of this Order. The Clerk shall make available to the public the Chapter 13 Plan F

2. BAR DATE FOR FILING PROOFS OF CLAIM BY DEBTORS:

Pursuant to Rule 3004 and 9006(c), the time that a debtor has to file a proof of claim for creditors who fail to timely file a claim is reduced. After the effective date of this Order, debtors may file a proof of claim in the name of the creditor within 20 days after expiration of the time for filing claims prescribed by Rule 3002(c). All other provisions of Rule 3004 remain unaffected by this Order.

3. OBJECTIONS TO CLAIMS:

Objections to proofs of claim must be in writing and filed no later than 30 days prior to the confirmation hearing date.

4. MOTIONS TO VALUE PROPERTY:

Any request to value the property of the estate, including motions to determine the value of a creditor's secured claim under Code § 506, must be in writing and filed no later than 30 days prior to the confirmation hearing date.

5. RESPONSES TO OBJECTIONS TO CLAIM:
RESPONSES TO MOTIONS TO VALUE PROPERTY:
OBJECTIONS TO THE DEBTOR'S PLAN OF REORGANIZATION:
AND DATE FOR HEARING ON SAME

Any response to an objection to proof of claim or to a motion to value property as well as any objection to the confirmation of the debtor's plan of reorganization must be in writing and filed no later than 10 days prior to the confirmation hearing date. All such timely filed objections to confirmation and responses shall be heard at the confirmation hearing.

6. AMENDMENTS TO THE PLAN OF REORGANIZATION:

The last date that a debtor may seek to amend its plan of reorganization is not later than 30 days prior to the date scheduled for hearing on the confirmation of the plan. After this date, if the debtor does not wish to confirm the plan on file, it may seek approval to withdraw the plan without prejudice to the right to file an amended plan on such terms as the court may order. If leave to amend is not granted, the debtor may then seek to dismiss or convert the case. Further, the court will only consider de minimis, nonsubstantive, or technical amendments to the plan at the confirmation hearing.

7. INTERIM DISBURSEMENTS BY THE CHAPTER 13 TRUSTEE:

In order to see that funds paid to the Chapter 13 Trustee are distributed as rapidly as possible to creditors, and that the creditors receive the benefit of all such payments, the Chapter 13 Trustee shall be required to disburse, in the first regular disbursement following the §341 meeting, all funds received from the debtor in each case. For all disbursements made prior to the actual confirmation of the debtor's plan, the disbursement shall be made first to administrative expenses, including the Trustee's Fee and Expense Allowance and the debtor's attorney's fees as provided in the plan but not to exceed \$100/month; and then to other priority and secured creditors pursuant to the debtor's pending plan of reorganization. However, before disbursements are made to other priority or secured claimants, certain conditions must be established: (1) the claim must be listed in the debtor's schedules and not reflect that it is contingent, unliquidated or disputed; (2) the claimant must have a timely proof of claim on file; and (3) the claim as filed must agree with the classification in the debtor's schedules. If there is a difference between amounts claimed and amounts scheduled by the debtor, for purposes of interim distribution, the Trustee will use the lower amount. No pre-confirmation disbursement will be made to claimants until all conditions are met.

8. NOTICE TO DEBTORS AND CREDITORS:

The substantive provisions of this Standing Order shall be noticed to all debtors and their creditors by the Chapter 13 Trustee. Notice may be given by attaching a supplemental notice to the 341 Notice, in the form of the attached Exhibit-2.

9. SERVICE OF THE PLAN:

Notwithstanding any provision of the Local Rules, the debtor shall be responsible for serving a copy of the plan as filed with the Clerk of the court, including Sections A - E, on the Chapter 13 Trustee, all creditors and other interested parties.

10. EFFECTIVE DATE:

The provisions of this Order became effective for all Chapter 13 cases where the order for relief was effective after October 1, 1991, pursuant to prior standing

The above procedures are hereby adopted for the Bankruptcy Court for the Western District of Texas in the Midland/Odessa Division.

The Clerk of the court shall give notice of this Order by serving a copy on the Chapter 13 Trustees for the Western District of Texas.

IT IS SO ORDERED.

DATED: April 30, 1999

Signed this 30th day of April 1999, by LARRY E. KELLY, CHIEF U. S. BANKRUPTCY JUDGE, LEIF M. CLARK, U. S. BANKRUPTCY JUDGE, RONALD B. KING, U. S. BANKRUPTCY JUDGE, and FRANK R. MONROE, U. S. BANKRUPTCY JUDGE.

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS**

CHAPTER 13 PLAN

This Chapter 13 plan form has been approved by the court for use in the Western District of Texas, and is required in the Austin, Waco and Midland/Odessa Divisions.

The form may periodically be revised. The Office of the Clerk will provide the current version of the plan form to any party upon request.

Updated 10/1/98

CHAPTER 13 PLAN
WESTERN DISTRICT OF TEXAS
AUSTIN, WACO AND MIDLAND/ODESSA DIVISIONS

Instructions for Completion of Chapter 13 Plan

Generally: Complete all parts of each section. If the answer is “none” or “not applicable”, so state. Attach additional pages if necessary, and so note. Unless otherwise indicated, all references to the “debtor” also refer to the joint debtor in joint cases. Note: Do not include this page with copies of the plan filed with the court or served upon parties in interest.

Completion of Plan: All sections of the Plan described herein must be completed, and stapled or otherwise securely bound and filed as one document. In completing Section B, if more space is needed, please attach additional pages and clearly label the Sections referred to.

Section A - Plan Summary and Notice of Objection Periods
Section B - Provisions of Plan
Section C - Budget (attach photocopy from Chapter 13 Schedules)
Section D - Signature(s)
Section E - Proof of Service

Service of Plan: The debtor is responsible for filing the completed plan with the court, and for serving copies upon the standing trustee, creditors and other interested parties. The original plan filed with the court and the copy sent to the trustee must be printed on only one side of each page. However, copies which are sent to creditors may be two-sided to reduce mailing expense. Service is usually effected by mailing copies of the plan to the parties required to receive them. Debtors should include all pages of Sections A -E of the Plan, plus any additional attachments. Debtors should **not** include this page nor the Table of Contents with copies of the plan filed with the court or mailed to interested parties.

Name of Debtor(s): _____

Bankruptcy Case Number: _____

SECTION A - PLAN SUMMARY AND NOTICE OF OBJECTION PERIODS

Note to Creditors: Section A is the summary of the plan. Section B contains the detailed provisions of the plan and Section C is the debtor's budget. Except where noted otherwise, references to the "debtor" also refer to the debtor's spouse if the case is a joint case.

A-1. DATE OF PLAN:

This plan is:

☐ The **first** chapter 13 plan filed in this case.

☐ A modified plan, which replaces that plan filed on: _____.
That plan ☐ has ☐ has not been confirmed by the court.

A-2. ASSETS AND LIABILITIES:

A. On _____, the debtor
☐ filed for relief under chapter 13.
☐ converted a previously filed case to one under chapter 13.

B. As of that date, the debtor listed assets and liabilities of:

Total Assets: \$ _____
Total Unsecured Debt including unsecured portions of secured debt: \$ _____
Total Secured Debt: \$ _____

A-3. FUNDING OF PLAN:

The debtor proposed to pay \$ _____ per _____ for _____ months. The total amount to be paid into the plan is \$ _____, which ☐ does ☐ does not constitute all of the disposable income of the debtor during the period of the plan.

A-4. DIVIDEND TO CREDITORS:

Secured Creditors: The debtor proposes to deal with secured creditors as set forth in subsections B-4 through B-6 of this plan.

Unsecured Creditors: The debtor proposes to pay unsecured creditors an estimated payment of _____% of the present value of their allowed claims, without interest.*

* Note: The percentage shown is for the purposes of estimation only. It is based upon the amount of debt listed by the debtor in the schedules filed with the Court. If actual allowed claims are different than those scheduled by the debtor, the percentage paid to unsecured creditors may change.

For comparison, if the estate were liquidated under chapter 7, the debtor estimates that the dividend to unsecured creditors would be approximately ____%. It is estimated that distributions to the unsecured creditors will commence on the ____ month of the plan. This plan provides for payments of unsecured claims concurrently with secured and priority claims. The debtor proposes a concurrent distribution to unsecured creditors of \$_____ to be paid pro rata.

A-5. FILING PROOFS OF CLAIM:

Creditors must timely file a Proof of Claim with the court to be entitled to a dividend under the plan. A Proof of Claim form is printed on the reverse side of the Meeting of Creditors notice, which is mailed to each creditor in the case.

Proofs of claim and attachments must be filed in duplicate in order to be accepted for filing. All creditors must file a claim in order to be paid under the Plan. Secured creditors must attach proof of their perfected security interest. Every creditor filing a proof of claim shall transmit a copy with any attachments to the Debtor's attorney, or to the Debtor if appearing pro se.

Creditors have 90 days from the first date set for the meeting of creditors to file a proof of claim in a case. Debtors may file a proof of claim in the name of the creditor within 20 days after expiration of the time for filing claims prescribed by Rule 3002(c).

A-6. OBJECTIONS TO CLAIMS:

Objections to proofs of claim must be in writing and filed no later than 30 days prior to the confirmation hearing date. The first paragraph of any objection to a claim shall be typed in capital letters and shall read:

NO HEARING WILL BE CONDUCTED ON THIS OBJECTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE U.S. BANKRUPTCY COURT AND A COPY SERVED ON THE PARTY FILING THIS OBJECTION WITHIN 20 DAYS FROM DATE OF SERVICE HEREOF, UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUEST FOR A HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THE OBJECTION TO THE CLAIM SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, IT WILL BE HEARD ON THE SAME DATE AND TIME THAT THE CONFIRMATION HEARING IS SCHEDULED FOR IN THIS CASE, WHICH IS THE _____ DAY OF _____, 19____, AT _____ O'CLOCK ____M.

A-7. MOTIONS TO VALUE PROPERTY:

Any request to value the property of the estate, including motions to determine the value of a creditor's secured claim under Code § 506, must be in writing and filed no later than 30 days prior to the confirmation hearing date. The first paragraph of any motion to value property shall be typed in capital letters and shall read:

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE U.S. BANKRUPTCY COURT AND A COPY SERVED ON THE PARTY FILING THIS MOTION WITHIN 20 DAYS FROM DATE OF SERVICE HEREOF, UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUEST FOR A HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THE MOTION TO VALUE PROPERTY SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, IT WILL BE HEARD ON THE SAME DATE AND TIME THAT THE CONFIRMATION HEARING IS SCHEDULED FOR IN THIS CASE, WHICH IS THE DAY OF _____, 19____, AT _____ O'CLOCK ____M.

A-8. MOTIONS TO AVOID LIEN:

Motions to avoid lien under 11 U.S.C. § 522(f) must be in writing and filed no later than 30 days prior to the confirmation hearing date. The first paragraph of any motion to avoid lien under § 522(f) shall be typed in capital letters and shall read:

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE U.S. BANKRUPTCY COURT AND A COPY SERVED ON THE PARTY FILING THIS MOTION WITHIN 20 DAYS FROM DATE OF SERVICE HEREOF, UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUEST FOR A HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THE MOTION TO AVOID LIEN SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, IT WILL BE HEARD ON THE SAME DATE AND TIME THAT THE CONFIRMATION HEARING IS SCHEDULED FOR IN THIS CASE, WHICH IS THE _____ DAY OF _____, 19____, AT _____ O'CLOCK ____M.

A-9. OBJECTIONS TO THE DEBTOR'S PLAN OF REORGANIZATION AND DATE FOR HEARING ON SAME:

Any objection to the confirmation of the debtor's plan of reorganization must be in writing and filed with the Clerk no later than 10 days prior to the confirmation hearing date and served on the Debtor, Debtor's attorney and the Chapter 13 trustee. All such timely filed objections to confirmation and responses shall be heard at the confirmation hearing.

If any pleadings specified above are pending or if the Trustee does not recommend confirmation, the Debtor and Debtor's attorney shall attend the confirmation hearing at the place and time specified in the Meeting of Creditors and Fixing of Dates Notice.

The Debtor(s) represent that, as of the date of the confirmation hearing, they will be current on all post-petition, direct payments; and if they are not they will not ask for confirmation; and that confirmation will preclude any right the debtor(s) may otherwise have to later seek a modification of the plan to deal with any pre-confirmation defaults on direct payments.

If none of the above pleadings are pending and the Chapter 13 Trustee recommends confirmation, the Court may enter an order confirming the plan.

A-10. AMENDMENTS TO THE PLAN OF REORGANIZATION:

The last date that a debtor may seek to amend its plan of reorganization is not later than 30 days prior to the date scheduled for hearing on the confirmation of the plan. After this date, if the debtor does not wish to confirm the plan on file, it may seek approval to withdraw the plan without prejudice to the right to file an amended plan on such terms as the court may order. If leave to amend is not granted, the debtor may then seek to dismiss or convert the case. Further, the Court will only consider de minimis, non-substantive, or technical amendments to the plan at the confirmation hearing.

A-11. MOTIONS FOR RELIEF FROM OR MODIFICATION OF THE AUTOMATIC STAY:

Pursuant to Sections 362(d) and (e) of the Bankruptcy Code, where the plan designates the Trustee as disbursing agent for debt repayment, all ORDERS OR AGREED ORDERS on motions for relief from or modification of the automatic stay concerning the debt shall include the following language:

1. If the property is foreclosed or repossessed, the creditor must provide written notice by regular U.S. mail to the debtor, debtor's attorney and the Trustee;

2. Once the above-referenced notice of foreclosure or repossession is received by the Trustee, no further disbursement will be made by the Trustee on the claim until an amended claim is filed by the creditor. In addition,
3. If the claim is not amended within 90 days, then the claim will have been deemed to have been satisfied by the foreclosure/repossession and further treatment through the plan will have been deemed to have been waived.

A-12. INTERIM DISBURSEMENTS BY THE CHAPTER 13 TRUSTEE:

The Chapter 13 Trustee shall be required to disburse, in the first regular disbursement following the §341 meeting, all funds received from the debtor in each case. For all disbursements made prior to the actual confirmation of the debtor's plan, the disbursement shall be made first to administrative expenses, including the Trustee's Fee and Expense Allowance and the debtor's attorney's fees as provided in the plan but not to exceed \$100/month; and then to other priority and secured creditors pursuant to the debtor's pending plan of reorganization. However, before disbursements are made to other priority or secured claimants, certain conditions must be established: (1) the claim must be listed in the debtor's schedules and not reflect that it is contingent, unliquidated or disputed; (2) the claimant must have a timely proof of claim on file; and (3) the claim as filed must agree with the classification in the Debtor's schedules. If there is a difference between amounts claimed and amounts scheduled by the debtor, for purposes of interim distribution, the Trustee will use the lower amount. No pre-confirmation disbursement will be made to claimants until both conditions are met.

A-13. PAYMENT PROCEDURE:

If a secured claim is scheduled to receive a specific monthly payment, the Chapter 13 software operates to pay that secured claim only that specific monthly payment, even if other secured claims are not filed. If a secured claim is scheduled to be paid a pro rata amount each month, and if other secured claims scheduled to be paid pro rata are not filed, the filed secured pro rata claim will receive a proportionately greater amount of money.

A-14. MOTIONS TO INCUR NON-EMERGENCY CONSUMER DEBT:

The debtor shall not incur non-emergency consumer debt without written approval of either the court or the trustee.

The debtor shall make written application to the trustee for approval to incur non-emergency consumer debt. The debtor shall not file the application with the clerk. If approved by the trustee, the trustee shall file the approval and the application with the clerk. If not approved by the trustee within ten days, the debtor may then file with the clerk a motion to incur non-emergency consumer debt and the motion shall contain as an attachment the trustee's denial of the application to incur debt.

SECTION B - PROVISIONS OF PLAN

Note: Items B-3 through B-7 and B-10 detail proposed payments to creditors under the plan.

B-1. ELIGIBILITY:

The debtor is an individual who owed, on the date of the filing of the petition commencing this case, non-contingent, liquidated and unsecured debts totaling \$_____ and non-contingent, liquidated and secured debts totaling \$_____. The debtor has regular income and is otherwise eligible for relief under 11 U.S.C. § 109(e) of the United States Bankruptcy Code. This plan is proposed in good faith and complies with all applicable provisions of chapter 13 and the United States Bankruptcy Code.

B-2. FUNDING OF PLAN:

The debtor will commit the following future earnings, property or other income to the custody and control of the standing trustee to fund the chapter 13 plan:

☐ Equal Monthly Payments of \$_____ per month for _____ months beginning _____
payroll deduction?: ☐ yes ☐ no

☐ Equal Payments of \$_____ every ☐ week
☐ two weeks
☐ twice monthly
for _____ months beginning _____.
payroll deduction?: ☐ yes ☐ no

Equivalent monthly payment is:

☐ weekly payment of \$_____ x 4.33 = \$_____
☐ payment every two weeks of \$_____ x 2.17 = \$_____
☐ payment twice monthly of \$_____ x 2 = \$_____

☐ Other Payments:

<u>Date</u>	<u>Amount</u>	<u>Source</u>
-------------	---------------	---------------

B-3. PAYMENTS TO PRIORITY CREDITORS:

B. Priority Creditors Under 11 U.S.C. § 1326(a). The following priority creditors shall be fully paid by deferred cash payments.

1. **Trustee:** 10% of all sums disbursed, except any funds returned to the debtor.

2. **Debtor's Attorney:** \$_____ balance due of total fee of \$_____; to be paid at \$_____ per month under the plan.

C. Priority Creditors Under 11 U.S.C. § 1322(2). The following priority creditors will be fully paid by deferred cash payments, unless the holder of such a claim agrees to be treated differently.

<u>Creditor</u>	<u>Type of Claim</u>	<u>Balance Due</u>	Term of payments <u>Begin/End</u>
-----------------	----------------------	--------------------	--------------------------------------

**B-4. CREDITORS SECURED BY PROPERTY OTHER THAN REAL ESTATE.
DEBTOR TO RETAIN COLLATERAL:**

Creditors whose claims are secured by property other than real estate and whose collateral is to be retained by the debtor shall retain their liens and be paid as indicated below. Insurance will be maintained upon such collateral at the debtor's expense, in accordance with the terms of the contract and security agreement creating such security interest.

- A. To be Paid in Full Through Trustee.** Creditors named below whose claims are allowed will be paid the equivalent of 100% of the present fair market value of their collateral, not to exceed the outstanding balance of the obligation, in deferred cash payments. This will fully satisfy the secured portion of such creditor's allowed claim. The excess of such a creditor's claim over and above the fair market value of its collateral will be paid as an unsecured claim.

Creditor:

Balance Due: \$_____

Collateral (description):

Fair Market Value: \$_____

Source of Valuation:

☐ Secured claim to be amortized by monthly payments through trustee of \$_____ for _____ months, which includes interest on deferred principal at the rate of ____% per annum, or

☐ Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of _____ per annum.
or

☐ Other:

Creditor:

Balance Due: \$_____

Collateral (description):

Fair Market Value: \$_____

Source of Valuation:

☐ Secured claim to be amortized by monthly payments through trustee of \$_____ for _____ months, which includes interest on deferred principal at the rate of ____% per annum, or

☐ Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of _____ per annum.
or

☐ Other:

Creditor:

Balance Due: \$_____

Collateral (description):

Fair Market Value: \$_____

Source of Valuation:

☐ Secured claim to be amortized by monthly payments through trustee of \$_____ for _____ months, which includes interest on deferred principal at the rate of ____% per annum, or

☐ Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of _____ per annum.
or

☐ Other:

- B. To Be Paid Directly By Debtor.** Creditors named below whose claims are allowed will be paid directly by the debtor in accordance with the terms of the contract and security agreement.

Creditor:

Balance Due: \$ _____

Regular Installment payment of \$ _____ per _____

Collateral (description):

Fair Market Value: \$ _____

Source of Valuation:

Creditor:

Balance Due: \$ _____

Regular Installment payment of \$ _____ per _____

Collateral (description):

Fair Market Value: \$ _____

Source of Valuation:

The Debtor(s) represent that, as of the date of the confirmation hearing, they will be current on all post-petition, direct payments; and if they are not, they will not ask for confirmation; and that confirmation will preclude any right the debtor(s) may otherwise have to later seek a modification of the plan to deal with any pre-confirmation defaults on direct payments.

- C. Delinquency to be Cured Through Plan, Regular Payments to be Paid Directly by Debtor.**

Creditor:

Principal Balance Due: \$ _____

Description of Security:

Debtor's estimation of value:

Regular Monthly Installment Payment: \$ _____

Payment delinquency and other defaults: Amount: \$ _____

To be cured by payments of \$ _____ per month for _____ months,

☐ without interest

☐ including interest on the sum deferred at the rate of _____% per annum.

Creditor:

Principal Balance Due: \$ _____

Description of Security:

Debtor's estimation of value:

Regular Monthly Installment Payment: \$ _____

Payment delinquency and other defaults: Amount: \$ _____

To be cured by payments of \$ _____ per month for _____ months,

☐ without interest

☐ including interest on the sum deferred at the rate of _____% per annum.

Creditor:

Principal Balance Due: \$ _____

Description of Security:

Debtor's estimation of value:

Regular Monthly Installment Payment: \$ _____

Payment delinquency and other defaults: Amount: \$ _____

To be cured by payments of \$ _____ per month for _____ months,

☐ without interest

☐ including interest on the sum deferred at the rate of _____% per annum.

B-5. Creditors Secured by Property Which Will be Surrendered by the Debtor. Upon confirmation of the plan, if not before, the debtor will surrender the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy such creditor's claim, the creditor shall hold a non-priority, unsecured claim. The entry of the Order confirming the plan shall have the effect of terminating the stay of 11 U.S.C. § 362(a) as to the collateral surrendered, thereby allowing the recovery and disposition of such property according to applicable non-bankruptcy law.

Creditor:
Collateral to be surrendered:
Debtor's estimation of value: \$ _____

Creditor:
Collateral to be surrendered:
Debtor's estimation of value: \$ _____

Creditor:
Collateral to be surrendered:
Debtor's estimation of value: \$ _____

B-6. CREDITORS WITH CLAIMS SECURED BY REAL ESTATE:

Creditors whose claims are secured by real estate which is to be retained by the debtor shall retain their liens and be paid as indicated below. Insurance will be maintained upon such collateral at the debtor's expense, in accordance with the terms of the contract and deed of trust creating the lien thereon.

A. Claims Secured Only by Interest in Debtor's Principal Residence: Creditors named below are secured only by a security interest in real estate which is the debtor's principal residence. Creditors whose claims are allowed will have any delinquency accrued or default which occurred before the filing of the petition commencing this case cured through the plan. All obligations of the debtor under the contract and deed of trust (except as pertains to the curing of the below-described arrearage) will be performed by the debtor in accordance with the terms of such contract and deed of trust encumbering the property.

Creditor:
Principal Balance Due: \$ _____
Description of Security:
Regular Monthly Installment Payment: \$ _____
Pre-petition delinquency and other defaults: Amount: \$ _____
To be cured by payments of \$ _____ per month for ____ months,
[] without interest [] including interest on the sum deferred at the rate of ____% per annum.
Payments to cure pre-petition delinquency and other defaults to be paid:
[] through trustee [] directly by debtor.
Regular payments accruing post-petition to be paid:
[] through trustee [] directly by debtor.

Creditor:
Principal Balance Due: \$ _____
Description of Security:
Regular Monthly Installment Payment: \$ _____
Pre-petition delinquency and other defaults: Amount: \$ _____
To be cured by payments of \$ _____ per month for ____ months,
[] without interest [] including interest on the sum deferred at the rate of ____% per annum.

Payments to cure pre-petition delinquency and other defaults to be paid:

☐ through trustee ☐ directly by debtor.

Regular payments accruing post-petition to be paid:

☐ through trustee ☐ directly by debtor.

- B. Other Claims Secured by Real Property. Creditors named below are secured by a security interest in real estate other than the debtor's principal residence. Creditors whose claims are allowed will be paid the equivalent of 100% of the present fair market value of their collateral in deferred cash payments. This will fully satisfy the secured portion of such creditor's allowed claim. The excess of such a creditor's claim over and above the fair market value of its collateral will be paid as an unsecured claim.

Creditor:

Balance Due: \$ _____

Collateral (description):

Fair Market value: \$ _____

Source of Valuation:

☐ Secured claim to be amortized by monthly payments through trustee of \$ _____ for ____ months, which includes interest on deferred principal at the rate of _____% per annum, or

☐ Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of _____ per annum.

or

☐ Other:

Creditor:

Balance Due: \$ _____

Collateral (description):

Fair Market value: \$ _____

Source of Valuation:

☐ Secured claim to be amortized by monthly payments through trustee of \$ _____ for ____ months, which includes interest on deferred principal at the rate of _____% per annum, or

☐ Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of _____ per annum.

or

☐ Other:

Creditor:

Balance Due: \$ _____

Collateral (description):

Fair Market value: \$ _____

Source of Valuation:

☐ Secured claim to be amortized by monthly payments through trustee of \$ _____ for ____ months, which includes interest on deferred principal at the rate of _____% per annum, or

☐ Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of _____ per annum.

or

☐ Other:

- C. **Other Claims Secured by Real Property.** Delinquency to be cured through the plan. Regular payments to be paid directly by the debtor.

Creditor:

Principal Balance Due: \$ _____

Description of Security:

Debtor's estimation of value:

Regular Monthly Installment Payment: \$ _____

Amount: \$ _____

To be cured by payments of \$ _____ per month for _____ months,

☐ without interest ☐ including interest on the sum deferred at the
rate of _____% per annum.

Payments to cure pre-petition delinquency and other defaults to be paid:

☐ through trustee ☐ directly by debtor

Regular payments accruing post-petition to be paid:

☐ through trustee ☐ directly by debtor

B-7. UNSECURED CREDITORS NOT ENTITLED TO PRIORITY:

Unsecured creditors with claims not entitled to priority under the Bankruptcy Code will receive estimated payment of _ % of the present value of their allowed claims, without interest. For comparison, if the estate were liquidated under Chapter 7, the debtor estimates that the dividend to unsecured creditors would be approximately _____. This percentage is based upon the amount of debt listed by the debtor in the Chapter 13 schedule filed with the Court. If actual allowed claims are different than those scheduled by the debtor, the percent to be paid to unsecured creditors may change. It is estimated that distribution to the unsecured creditors will commence on the _____ month of the plan. This plan provides for payments of unsecured claims with secured and priority claims. The debtor proposes a concurrent distribution to unsecured creditors of \$ _____ to be paid pro rata.

B-8. EXECUTORY CONTRACTS AND LEASES:

- A. Rejection: The debtor will reject the following executory contracts and/or leases.

Other Party to Contract

Type of Agreement

Dated

- b. Assumption: The debtor will assume the following executory contracts and/or leases.

Other Party to Contract

Type of Agreement

Dated

B-9. TITLE OF PROPERTY TO REVEST IN DEBTOR:

Except as noted, all property of the debtor shall revert in the debtor upon confirmation of the plan.

Exceptions: _ none

B-10. OTHER PROVISIONS OF PLAN:

Other: _____ none

SECTION C - BUDGET

A photocopy of Budget, which is Schedules I and J of the bankruptcy schedules giving a summary of income and expenses, is attached. In addition, a pro forma reflecting the amount distributed to creditors during the pendency of the plan may be attached.

[Note to debtor: be sure that the budget is attached to each copy of the plan filed with the court or served upon a party in interest.]

SECTION D - SIGNATURE(S)

Dated: _____

Signature of Attorney

Signature of Debtor

Address of Attorney (If applicable)

Signature of Joint Debtor

City, State, Zip

Address of Debtor(s)

Telephone Number, including area code

City, State, Zip

Texas Bar Number

Telephone Number, including area code

SECTION E - PROOF OF SERVICE

The undersigned hereby certifies that on this date the foregoing Chapter 13 plan was served upon the standing Trustee, all creditors, and other interested parties by:

[] mailing a complete copy of the plan, including a photocopy of the Budget, to each party,
or by

[] _____

On the original and all copies filed with the Clerk, a separate Certificate of Service shall also be attached, indicating specifically the parties served (including their addresses), the method of service, the date of service, shall be signed, and shall state that service in compliance with Local Rule 9013 (g), if applicable, has been accomplished.

Dated: _____

Signature of attorney or pro se debtor

Printed Name

Additional Court-Ordered Notices

ADOPTION OF CHAPTER 13 PLAN FORMAT:

The Court for the Austin, Waco and Midland Divisions has adopted a Chapter 13 Plan Form which shall be used by all Chapter 13 Debtors in cases where the plan is filed after the effective date of the Standing Order. The Clerk shall make available to the public the Chapter 13 Plan Form.

FILING PROOFS OF CLAIM:

Proofs of claim and attachments must be filed in duplicate in order to be accepted for filing. All creditors must file a claim in order to be paid under the Plan. Secured creditors must attach proof of their perfected security interest. Every creditor filing a proof of claim shall transmit a copy with any attachments to the Debtor's attorney, or to the Debtor if appearing pro se.

Creditors have 90 days from the first date set for the meeting of creditors to file a proof of claim in a case. Debtors may file a proof of claim in the name of the creditor within 20 days after expiration of the time for filing claims prescribed by Rule 3002(c).

OBJECTIONS TO CLAIMS:

Objections to proofs of claim must be in writing and filed no later than 30 days prior to the confirmation hearing date.

MOTIONS TO VALUE PROPERTY:

Any request to value the property of the estate, including motions to determine the value of a creditor's secured claim under Code § 506, must be in writing and filed no later than 30 days prior to the confirmation hearing date.

RESPONSES TO OBJECTIONS TO CLAIMS:

RESPONSES TO MOTIONS TO VALUE PROPERTY:

OBJECTIONS TO THE DEBTOR'S PLAN OR REORGANIZATION:

AND DATE FOR HEARING ON SAME:

Any response to an objection to proof of claim or to a motion to value property as well as any objection to the confirmation of the debtor's plan of reorganization must be in writing and filed no later than 10 days prior to the confirmation hearing date. All such timely filed objections to confirmation and responses shall be heard at the confirmation hearing.

If any pleadings specified above are pending or if the Trustee does not recommend confirmation, the Debtor and Debtor's attorney shall attend the confirmation hearing at the place and time specified in this Notice.

If none of the above pleadings are pending and the chapter 13 Trustee recommends confirmation, the hearing will be deemed to have been waived by all parties and the Court may enter an order confirming the plan prior to the originally scheduled confirmation hearing date.

AMENDMENTS TO THE PLAN OF REORGANIZATION:

The last date that a debtor may seek to amend its plan of reorganization is not later than 30 days prior to the date scheduled for hearing on the confirmation of the plan. After this date, if the debtor does not wish to confirm the plan on file, it may seek approval to withdraw the plan without prejudice to the right to file an amended plan on such terms as the court may order. If leave to amend is not granted, the debtor may then seek to dismiss or convert the case. Further, the Court will only consider de minimis, nonsubstantive, or technical amendments to the plan at the confirmation hearing.

INTERIM DISBURSEMENTS BY THE CHAPTER 13 TRUSTEE:

The Chapter 13 Trustee shall be required to disburse, in the first regular disbursement following the §341 meeting, all funds received from the debtor in each case. For all disbursements made prior to the actual confirmation of the debtor's plan, the disbursement shall be made first to administrative expenses, including the Trustee's Fee and Expense Allowance and the debtor's attorney's fees as provided in the plan but not to exceed \$100/month; and then to other priority and secured creditors pursuant to the debtor's pending plan of reorganization. However, before disbursements are made to other priority or secured claimants, certain conditions must be established: (1) the claim must be listed in the debtor's schedules and not reflect that it is contingent, unliquidated or disputed; (2) the claimant must have a timely proof of claim on file; and (3) the claim as filed must agree with the classification in the Debtor's schedules. If there is a difference between amounts claimed and amounts scheduled by the debtor, for purposes of interim distribution, the Trustee will use the lower amount. No pre-confirmation disbursement will be made to claimants until all conditions are met.

PAYMENT PROCEDURE:

If a secured claim is scheduled to receive a specific monthly payment, the Chapter 13 software operates to pay that secured claim only that specific monthly payment, even if other secured claims are not filed. If a secured claim is scheduled to be paid a pro rata amount each month, and if other secured claims scheduled to be paid pro rata are not filed, the filed secured pro rata claim will receive a proportionately greater amount of money.

FILING AND SERVICE OF THE PLAN:

Failure to file a Chapter 13 Plan and Schedules and serve the Trustee with a file stamped copy within fifteen (15) days of the date of the Chapter 13 Petition, or failure to file an Application for extension of time to file such Plan and Schedules may result in summary dismissal of the case without notice of hearing.

Notwithstanding any provision of the Local Rules, the Debtor shall be responsible for serving a copy of the plan as filed with the Clerk of the Court, including Sections A - E, on the Chapter 13 Trustee, all creditors and other interested parties. The Plan must be served on creditors and other interested parties five (5) days following the filing of the Plan with Certificate of Service of such Plan served upon the Clerk and Trustee; failure to do so may result in summary dismissal without notice or hearing.

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

STANDING ORDER FOR CHAPTER 13 CASE ADMINISTRATION
FOR WACO DIVISION

The Bankruptcy Judges for the Western District of Texas for the Waco Division have determined that the Chapter 13 practice will be more efficiently administered if confirmation hearings are not scheduled until after the bar date for filing proofs of claim. In order to provide adequate protection for creditors and to assist debtors, attorneys and the Chapter 13 Trustee in the orderly administration of cases with this delayed confirmation process, the following procedures are determined to be necessary:

1. ADOPTION OF CHAPTER 13 PLAN FORMAT:

Attached as Exhibit-1 to this Standing Order is a Chapter 13 Plan Form which shall be used by all Chapter 13 debtors in cases where the plan is filed after the effective date of this Order. The Clerk shall make available to the public the Chapter 13 Plan F

2. BAR DATE FOR FILING PROOFS OF CLAIM BY DEBTORS:

Pursuant to Rule 3004 and 9006(c), the time that a debtor has to file a proof of claim for creditors who fail to timely file a claim is reduced. After the effective date of this Order, debtors may file a proof of claim in the name of the creditor within 20 days after expiration of the time for filing claims prescribed by Rule 3002(c). All other provisions of Rule 3004 remain unaffected by this Order.

3. OBJECTIONS TO CLAIMS:

Objections to proofs of claim must be in writing and filed no later than 30 days prior to the confirmation hearing date.

4. MOTIONS TO VALUE PROPERTY:

Any request to value the property of the estate, including motions to determine the value of a creditor's secured claim under Code § 506, must be in writing and filed no later than 30 days prior to the confirmation hearing date.

5. RESPONSES TO OBJECTIONS TO CLAIM:
RESPONSES TO MOTIONS TO VALUE PROPERTY:
OBJECTIONS TO THE DEBTOR'S PLAN OF REORGANIZATION:
AND DATE FOR HEARING ON SAME

Any response to an objection to proof of claim or to a motion to value property as well as any objection to the confirmation of the debtor's plan of reorganization must be in writing and filed no later than 10 days prior to the confirmation hearing date. All such timely filed objections to confirmation and responses shall be heard at the confirmation hearing.

6. AMENDMENTS TO THE PLAN OF REORGANIZATION:

The last date that a debtor may seek to amend its plan of reorganization is not later than 30 days prior to the date scheduled for hearing on the confirmation of the plan. After this date, if the debtor does not wish to confirm the plan on file, it may seek approval to withdraw the plan without prejudice to the right to file an amended plan on such terms as the court may order. If leave to amend is not granted, the debtor may then seek to dismiss or convert the case. Further, the court will only consider de minimis, nonsubstantive, or technical amendments to the plan at the confirmation hearing.

7. INTERIM DISBURSEMENTS BY THE CHAPTER 13 TRUSTEE:

In order to see that funds paid to the Chapter 13 Trustee are distributed as rapidly as possible to creditors, and that the creditors receive the benefit of all such payments, the Chapter 13 Trustee shall be required to disburse, in the first regular disbursement following the §341 meeting, all funds received from the debtor in each case. For all disbursements made prior to the actual confirmation of the debtor's plan, the disbursement shall be made first to administrative expenses, including the Trustee's Fee and Expense Allowance and the debtor's attorney's fees as provided in the plan but not to exceed \$100/month; and then to other priority and secured creditors pursuant to the debtor's pending plan of reorganization. However, before disbursements are made to other priority or secured claimants, certain conditions must be established: (1) the claim must be listed in the debtor's schedules and not reflect that it is contingent, unliquidated or disputed; (2) the claimant must have a timely proof of claim on file; and (3) the claim as filed must agree with the classification in the debtor's schedules. If there is a difference between amounts claimed and amounts scheduled by the debtor, for purposes of interim distribution, the Trustee will use the lower amount. No pre-confirmation disbursement will be made to claimants until all conditions are met.

8. NOTICE TO DEBTORS AND CREDITORS:

The substantive provisions of this Standing Order shall be noticed to all debtors and their creditors by the Chapter 13 Trustee. Notice may be given by attaching a supplemental notice to the 341 Notice, in the form of the attached Exhibit-2.

9. SERVICE OF THE PLAN:

Notwithstanding any provision of the Local Rules, the debtor shall be responsible for serving a copy of the plan as filed with the Clerk of the court, including Sections A - E, on the Chapter 13 Trustee, all creditors and other interested parties.

10. EFFECTIVE DATE:

The provisions of this Order became effective for all Chapter 13 cases where the order for relief was effective after October 1, 1991, pursuant to prior standing

The above procedures are hereby adopted for the Bankruptcy Court for the Western District of Texas in the Waco Division.

The Clerk of the court shall give notice of this Order by serving a copy on the Chapter 13 Trustees for the Western District of Texas.

IT IS SO ORDERED.

DATED: April 30, 1999

Signed this 30th day of April 1999, by LARRY E. KELLY, CHIEF U. S. BANKRUPTCY JUDGE, LEIF M. CLARK, U. S. BANKRUPTCY JUDGE, RONALD B. KING, U. S. BANKRUPTCY JUDGE, and FRANK R. MONROE, U. S. BANKRUPTCY JUDGE.

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS**

CHAPTER 13 PLAN

This Chapter 13 plan form has been approved by the court for use in the Western District of Texas, and is required in the Austin, Waco and Midland/Odessa Divisions.

The form may periodically be revised. The Office of the Clerk will provide the current version of the plan form to any party upon request.

Updated 10/1/98

CHAPTER 13 PLAN
WESTERN DISTRICT OF TEXAS
AUSTIN, WACO AND MIDLAND/ODESSA DIVISIONS

Instructions for Completion of Chapter 13 Plan

Generally: Complete all parts of each section. If the answer is “none” or “not applicable”, so state. Attach additional pages if necessary, and so note. Unless otherwise indicated, all references to the “debtor” also refer to the joint debtor in joint cases. Note: Do not include this page with copies of the plan filed with the court or served upon parties in interest.

Completion of Plan: All sections of the Plan described herein must be completed, and stapled or otherwise securely bound and filed as one document. In completing Section B, if more space is needed, please attach additional pages and clearly label the Sections referred to.

Section A - Plan Summary and Notice of Objection Periods
Section B - Provisions of Plan
Section C - Budget (attach photocopy from Chapter 13 Schedules)
Section D - Signature(s)
Section E - Proof of Service

Service of Plan: The debtor is responsible for filing the completed plan with the court, and for serving copies upon the standing trustee, creditors and other interested parties. The original plan filed with the court and the copy sent to the trustee must be printed on only one side of each page. However, copies which are sent to creditors may be two-sided to reduce mailing expense. Service is usually effected by mailing copies of the plan to the parties required to receive them. Debtors should include all pages of Sections A -E of the Plan, plus any additional attachments. Debtors should **not** include this page nor the Table of Contents with copies of the plan filed with the court or mailed to interested parties.

Name of Debtor(s): _____

Bankruptcy Case Number: _____

SECTION A - PLAN SUMMARY AND NOTICE OF OBJECTION PERIODS

Note to Creditors: Section A is the summary of the plan. Section B contains the detailed provisions of the plan and Section C is the debtor's budget. Except where noted otherwise, references to the "debtor" also refer to the debtor's spouse if the case is a joint case.

A-1. DATE OF PLAN:

This plan is:

☐ The **first** chapter 13 plan filed in this case.

☐ A modified plan, which replaces that plan filed on: _____.
That plan ☐ has ☐ has not been confirmed by the court.

A-2. ASSETS AND LIABILITIES:

A. On _____, the debtor
☐ filed for relief under chapter 13.
☐ converted a previously filed case to one under chapter 13.

B. As of that date, the debtor listed assets and liabilities of:

Total Assets: \$ _____
Total Unsecured Debt including unsecured portions of secured debt: \$ _____
Total Secured Debt: \$ _____

A-3. FUNDING OF PLAN:

The debtor proposed to pay \$ _____ per _____ for _____ months. The total amount to be paid into the plan is \$ _____, which ☐ does ☐ does not constitute all of the disposable income of the debtor during the period of the plan.

A-4. DIVIDEND TO CREDITORS:

Secured Creditors: The debtor proposes to deal with secured creditors as set forth in subsections B-4 through B-6 of this plan.

Unsecured Creditors: The debtor proposes to pay unsecured creditors an estimated payment of _____% of the present value of their allowed claims, without interest.*

* Note: The percentage shown is for the purposes of estimation only. It is based upon the amount of debt listed by the debtor in the schedules filed with the Court. If actual allowed claims are different than those scheduled by the debtor, the percentage paid to unsecured creditors may change.

For comparison, if the estate were liquidated under chapter 7, the debtor estimates that the dividend to unsecured creditors would be approximately ____%. It is estimated that distributions to the unsecured creditors will commence on the ____ month of the plan. This plan provides for payments of unsecured claims concurrently with secured and priority claims. The debtor proposes a concurrent distribution to unsecured creditors of \$_____ to be paid pro rata.

A-5. FILING PROOFS OF CLAIM:

Creditors must timely file a Proof of Claim with the court to be entitled to a dividend under the plan. A Proof of Claim form is printed on the reverse side of the Meeting of Creditors notice, which is mailed to each creditor in the case.

Proofs of claim and attachments must be filed in duplicate in order to be accepted for filing. All creditors must file a claim in order to be paid under the Plan. Secured creditors must attach proof of their perfected security interest. Every creditor filing a proof of claim shall transmit a copy with any attachments to the Debtor's attorney, or to the Debtor if appearing pro se.

Creditors have 90 days from the first date set for the meeting of creditors to file a proof of claim in a case. Debtors may file a proof of claim in the name of the creditor within 20 days after expiration of the time for filing claims prescribed by Rule 3002(c).

A-6. OBJECTIONS TO CLAIMS:

Objections to proofs of claim must be in writing and filed no later than 30 days prior to the confirmation hearing date. The first paragraph of any objection to a claim shall be typed in capital letters and shall read:

NO HEARING WILL BE CONDUCTED ON THIS OBJECTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE U.S. BANKRUPTCY COURT AND A COPY SERVED ON THE PARTY FILING THIS OBJECTION WITHIN 20 DAYS FROM DATE OF SERVICE HEREOF, UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUEST FOR A HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THE OBJECTION TO THE CLAIM SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, IT WILL BE HEARD ON THE SAME DATE AND TIME THAT THE CONFIRMATION HEARING IS SCHEDULED FOR IN THIS CASE, WHICH IS THE _____ DAY OF _____, 19____, AT _____ O'CLOCK ____M.

A-7. MOTIONS TO VALUE PROPERTY:

Any request to value the property of the estate, including motions to determine the value of a creditor's secured claim under Code § 506, must be in writing and filed no later than 30 days prior to the confirmation hearing date. The first paragraph of any motion to value property shall be typed in capital letters and shall read:

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE U.S. BANKRUPTCY COURT AND A COPY SERVED ON THE PARTY FILING THIS MOTION WITHIN 20 DAYS FROM DATE OF SERVICE HEREOF, UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUEST FOR A HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THE MOTION TO VALUE PROPERTY SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, IT WILL BE HEARD ON THE SAME DATE AND TIME THAT THE CONFIRMATION HEARING IS SCHEDULED FOR IN THIS CASE, WHICH IS THE DAY OF _____, 19____, AT _____ O'CLOCK ____M.

A-8. MOTIONS TO AVOID LIEN:

Motions to avoid lien under 11 U.S.C. § 522(f) must be in writing and filed no later than 30 days prior to the confirmation hearing date. The first paragraph of any motion to avoid lien under § 522(f) shall be typed in capital letters and shall read:

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE U.S. BANKRUPTCY COURT AND A COPY SERVED ON THE PARTY FILING THIS MOTION WITHIN 20 DAYS FROM DATE OF SERVICE HEREOF, UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH REQUEST FOR A HEARING. IF NO RESPONSE IS TIMELY SERVED AND FILED, THE MOTION TO AVOID LIEN SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, IT WILL BE HEARD ON THE SAME DATE AND TIME THAT THE CONFIRMATION HEARING IS SCHEDULED FOR IN THIS CASE, WHICH IS THE _____ DAY OF _____, 19____, AT _____ O'CLOCK ____M.

A-9. OBJECTIONS TO THE DEBTOR'S PLAN OF REORGANIZATION AND DATE FOR HEARING ON SAME:

Any objection to the confirmation of the debtor's plan of reorganization must be in writing and filed with the Clerk no later than 10 days prior to the confirmation hearing date and served on the Debtor, Debtor's attorney and the Chapter 13 trustee. All such timely filed objections to confirmation and responses shall be heard at the confirmation hearing.

If any pleadings specified above are pending or if the Trustee does not recommend confirmation, the Debtor and Debtor's attorney shall attend the confirmation hearing at the place and time specified in the Meeting of Creditors and Fixing of Dates Notice.

The Debtor(s) represent that, as of the date of the confirmation hearing, they will be current on all post-petition, direct payments; and if they are not they will not ask for confirmation; and that confirmation will preclude any right the debtor(s) may otherwise have to later seek a modification of the plan to deal with any pre-confirmation defaults on direct payments.

If none of the above pleadings are pending and the Chapter 13 Trustee recommends confirmation, the Court may enter an order confirming the plan.

A-10. AMENDMENTS TO THE PLAN OF REORGANIZATION:

The last date that a debtor may seek to amend its plan of reorganization is not later than 30 days prior to the date scheduled for hearing on the confirmation of the plan. After this date, if the debtor does not wish to confirm the plan on file, it may seek approval to withdraw the plan without prejudice to the right to file an amended plan on such terms as the court may order. If leave to amend is not granted, the debtor may then seek to dismiss or convert the case. Further, the Court will only consider de minimis, non-substantive, or technical amendments to the plan at the confirmation hearing.

A-11. MOTIONS FOR RELIEF FROM OR MODIFICATION OF THE AUTOMATIC STAY:

Pursuant to Sections 362(d) and (e) of the Bankruptcy Code, where the plan designates the Trustee as disbursing agent for debt repayment, all ORDERS OR AGREED ORDERS on motions for relief from or modification of the automatic stay concerning the debt shall include the following language:

1. If the property is foreclosed or repossessed, the creditor must provide written notice by regular U.S. mail to the debtor, debtor's attorney and the Trustee;

2. Once the above-referenced notice of foreclosure or repossession is received by the Trustee, no further disbursement will be made by the Trustee on the claim until an amended claim is filed by the creditor. In addition,
3. If the claim is not amended within 90 days, then the claim will have been deemed to have been satisfied by the foreclosure/repossession and further treatment through the plan will have been deemed to have been waived.

A-12. INTERIM DISBURSEMENTS BY THE CHAPTER 13 TRUSTEE:

The Chapter 13 Trustee shall be required to disburse, in the first regular disbursement following the §341 meeting, all funds received from the debtor in each case. For all disbursements made prior to the actual confirmation of the debtor's plan, the disbursement shall be made first to administrative expenses, including the Trustee's Fee and Expense Allowance and the debtor's attorney's fees as provided in the plan but not to exceed \$100/month; and then to other priority and secured creditors pursuant to the debtor's pending plan of reorganization. However, before disbursements are made to other priority or secured claimants, certain conditions must be established: (1) the claim must be listed in the debtor's schedules and not reflect that it is contingent, unliquidated or disputed; (2) the claimant must have a timely proof of claim on file; and (3) the claim as filed must agree with the classification in the Debtor's schedules. If there is a difference between amounts claimed and amounts scheduled by the debtor, for purposes of interim distribution, the Trustee will use the lower amount. No pre-confirmation disbursement will be made to claimants until both conditions are met.

A-13. PAYMENT PROCEDURE:

If a secured claim is scheduled to receive a specific monthly payment, the Chapter 13 software operates to pay that secured claim only that specific monthly payment, even if other secured claims are not filed. If a secured claim is scheduled to be paid a pro rata amount each month, and if other secured claims scheduled to be paid pro rata are not filed, the filed secured pro rata claim will receive a proportionately greater amount of money.

A-14. MOTIONS TO INCUR NON-EMERGENCY CONSUMER DEBT:

The debtor shall not incur non-emergency consumer debt without written approval of either the court or the trustee.

The debtor shall make written application to the trustee for approval to incur non-emergency consumer debt. The debtor shall not file the application with the clerk. If approved by the trustee, the trustee shall file the approval and the application with the clerk. If not approved by the trustee within ten days, the debtor may then file with the clerk a motion to incur non-emergency consumer debt and the motion shall contain as an attachment the trustee's denial of the application to incur debt.

SECTION B - PROVISIONS OF PLAN

Note: Items B-3 through B-7 and B-10 detail proposed payments to creditors under the plan.

B-1. ELIGIBILITY:

The debtor is an individual who owed, on the date of the filing of the petition commencing this case, non-contingent, liquidated and unsecured debts totaling \$_____ and non-contingent, liquidated and secured debts totaling \$_____. The debtor has regular income and is otherwise eligible for relief under 11 U.S.C. § 109(e) of the United States Bankruptcy Code. This plan is proposed in good faith and complies with all applicable provisions of chapter 13 and the United States Bankruptcy Code.

B-2. FUNDING OF PLAN:

The debtor will commit the following future earnings, property or other income to the custody and control of the standing trustee to fund the chapter 13 plan:

☐ Equal Monthly Payments of \$_____ per month for _____ months beginning _____
payroll deduction?: ☐ yes ☐ no

☐ Equal Payments of \$_____ every ☐ week
☐ two weeks
☐ twice monthly
for _____ months beginning _____.
payroll deduction?: ☐ yes ☐ no

Equivalent monthly payment is:

☐ weekly payment of \$_____ x 4.33 = \$_____
☐ payment every two weeks of \$_____ x 2.17 = \$_____
☐ payment twice monthly of \$_____ x 2 = \$_____

☐ Other Payments:

<u>Date</u>	<u>Amount</u>	<u>Source</u>
-------------	---------------	---------------

B-3. PAYMENTS TO PRIORITY CREDITORS:

A. **Priority Creditors Under 11 U.S.C. § 1326(a).** The following priority creditors shall be fully paid by deferred cash payments.

1. **Trustee:** 10% of all sums disbursed, except any funds returned to the debtor.

2. **Debtor's Attorney:** \$_____ balance due of total fee of \$_____; to be paid at \$_____ per month under the plan.

B. **Priority Creditors Under 11 U.S.C. § 1322(2).** The following priority creditors will be fully paid by deferred cash payments, unless the holder of such a claim agrees to be treated differently.

<u>Creditor</u>	<u>Type of Claim</u>	<u>Balance Due</u>	Term of payments <u>Begin/End</u>
-----------------	----------------------	--------------------	--------------------------------------

**B-4. CREDITORS SECURED BY PROPERTY OTHER THAN REAL ESTATE.
DEBTOR TO RETAIN COLLATERAL:**

Creditors whose claims are secured by property other than real estate and whose collateral is to be retained by the debtor shall retain their liens and be paid as indicated below. Insurance will be maintained upon such collateral at the debtor's expense, in accordance with the terms of the contract and security agreement creating such security interest.

- A. To be Paid in Full Through Trustee.** Creditors named below whose claims are allowed will be paid the equivalent of 100% of the present fair market value of their collateral, not to exceed the outstanding balance of the obligation, in deferred cash payments. This will fully satisfy the secured portion of such creditor's allowed claim. The excess of such a creditor's claim over and above the fair market value of its collateral will be paid as an unsecured claim.

Creditor:

Balance Due: \$_____

Collateral (description):

Fair Market Value: \$_____

Source of Valuation:

- ☐ Secured claim to be amortized by monthly payments through trustee of \$_____ for _____ months, which includes interest on deferred principal at the rate of ____% per annum, or
- ☐ Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of _____ per annum.
- or
- ☐ Other:

Creditor:

Balance Due: \$_____

Collateral (description):

Fair Market Value: \$_____

Source of Valuation:

- ☐ Secured claim to be amortized by monthly payments through trustee of \$_____ for _____ months, which includes interest on deferred principal at the rate of ____% per annum, or
- ☐ Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of _____ per annum.
- or
- ☐ Other:

Creditor:

Balance Due: \$_____

Collateral (description):

Fair Market Value: \$_____

Source of Valuation:

- ☐ Secured claim to be amortized by monthly payments through trustee of \$_____ for _____ months, which includes interest on deferred principal at the rate of ____% per annum, or
- ☐ Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of _____ per annum.
- or
- ☐ Other:

- B. To Be Paid Directly By Debtor.** Creditors named below whose claims are allowed will be paid directly by the debtor in accordance with the terms of the contract and security agreement.

Creditor:

Balance Due: \$ _____

Regular Installment payment of \$ _____ per _____

Collateral (description):

Fair Market Value: \$ _____

Source of Valuation:

Creditor:

Balance Due: \$ _____

Regular Installment payment of \$ _____ per _____

Collateral (description):

Fair Market Value: \$ _____

Source of Valuation:

The Debtor(s) represent that, as of the date of the confirmation hearing, they will be current on all post-petition, direct payments; and if they are not, they will not ask for confirmation; and that confirmation will preclude any right the debtor(s) may otherwise have to later seek a modification of the plan to deal with any pre-confirmation defaults on direct payments.

- C. Delinquency to be Cured Through Plan, Regular Payments to be Paid Directly by Debtor.**

Creditor:

Principal Balance Due: \$ _____

Description of Security:

Debtor's estimation of value:

Regular Monthly Installment Payment: \$ _____

Payment delinquency and other defaults: Amount: \$ _____

To be cured by payments of \$ _____ per month for _____ months,

☐ without interest

☐ including interest on the sum deferred at the rate of _____% per annum.

Creditor:

Principal Balance Due: \$ _____

Description of Security:

Debtor's estimation of value:

Regular Monthly Installment Payment: \$ _____

Payment delinquency and other defaults: Amount: \$ _____

To be cured by payments of \$ _____ per month for _____ months,

☐ without interest

☐ including interest on the sum deferred at the rate of _____% per annum.

Creditor:

Principal Balance Due: \$ _____

Description of Security:

Debtor's estimation of value:

Regular Monthly Installment Payment: \$ _____

Payment delinquency and other defaults: Amount: \$ _____

To be cured by payments of \$ _____ per month for _____ months,

☐ without interest

☐ including interest on the sum deferred at the rate of _____% per annum.

B-5. Creditors Secured by Property Which Will be Surrendered by the Debtor. Upon confirmation of the plan, if not before, the debtor will surrender the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy such creditor's claim, the creditor shall hold a non-priority, unsecured claim. The entry of the Order confirming the plan shall have the effect of terminating the stay of 11 U.S.C. § 362(a) as to the collateral surrendered, thereby allowing the recovery and disposition of such property according to applicable non-bankruptcy law.

Creditor:
Collateral to be surrendered:
Debtor's estimation of value: \$_____

Creditor:
Collateral to be surrendered:
Debtor's estimation of value: \$_____

Creditor:
Collateral to be surrendered:
Debtor's estimation of value: \$_____

B-6. CREDITORS WITH CLAIMS SECURED BY REAL ESTATE:

Creditors whose claims are secured by real estate which is to be retained by the debtor shall retain their liens and be paid as indicated below. Insurance will be maintained upon such collateral at the debtor's expense, in accordance with the terms of the contract and deed of trust creating the lien thereon.

A. Claims Secured Only by Interest in Debtor's Principal Residence: Creditors named below are secured only by a security interest in real estate which is the debtor's principal residence. Creditors whose claims are allowed will have any delinquency accrued or default which occurred before the filing of the petition commencing this case cured through the plan. All obligations of the debtor under the contract and deed of trust (except as pertains to the curing of the below-described arrearage) will be performed by the debtor in accordance with the terms of such contract and deed of trust encumbering the property.

Creditor:
Principal Balance Due: \$_____
Description of Security:
Regular Monthly Installment Payment: \$_____
Pre-petition delinquency and other defaults: _____ Amount: \$_____
To be cured by payments of \$_____ per month for ____ months,
[] without interest [] including interest on the sum deferred at the rate of ____% per annum.
Payments to cure pre-petition delinquency and other defaults to be paid:
[] through trustee [] directly by debtor.
Regular payments accruing post-petition to be paid:
[] through trustee [] directly by debtor.

Creditor:
Principal Balance Due: \$_____
Description of Security:
Regular Monthly Installment Payment: \$_____
Pre-petition delinquency and other defaults: _____ Amount: \$_____
To be cured by payments of \$_____ per month for ____ months,
[] without interest [] including interest on the sum deferred at the _____ rate of ____% per annum.

Payments to cure pre-petition delinquency and other defaults to be paid:

☐ through trustee ☐ directly by debtor.

Regular payments accruing post-petition to be paid:

☐ through trustee ☐ directly by debtor.

- B. Other Claims Secured by Real Property.** Creditors named below are secured by a security interest in real estate other than the debtor's principal residence. Creditors whose claims are allowed will be paid the equivalent of 100% of the present fair market value of their collateral in deferred cash payments. This will fully satisfy the secured portion of such creditor's allowed claim. The excess of such a creditor's claim over and above the fair market value of its collateral will be paid as an unsecured claim.

Creditor:

Balance Due: \$ _____

Collateral (description):

Fair Market value: \$ _____

Source of Valuation:

☐ Secured claim to be amortized by monthly payments through trustee of \$ _____ for ____ months, which includes interest on deferred principal at the rate of _____% per annum, or

☐ Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of _____ per annum.

or

☐ Other:

Creditor:

Balance Due: \$ _____

Collateral (description):

Fair Market value: \$ _____

Source of Valuation:

☐ Secured claim to be amortized by monthly payments through trustee of \$ _____ for ____ months, which includes interest on deferred principal at the rate of _____% per annum, or

☐ Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of _____ per annum.

or

☐ Other:

Creditor:

Balance Due: \$ _____

Collateral (description):

Fair Market value: \$ _____

Source of Valuation:

☐ Secured claim to be amortized by monthly payments through trustee of \$ _____ for ____ months, which includes interest on deferred principal at the rate of _____% per annum, or

☐ Secured claim to otherwise be satisfied by monthly payments on a pro-rata basis, plus interest at the rate of _____ per annum.

or

☐ Other:

- C. **Other Claims Secured by Real Property.** Delinquency to be cured through the plan. Regular payments to be paid directly by the debtor.

Creditor:

Principal Balance Due: \$ _____

Description of Security:

Debtor's estimation of value:

Regular Monthly Installment Payment: \$ _____

Amount: \$ _____

To be cured by payments of \$ _____ per month for _____ months,

☐ without interest ☐ including interest on the sum deferred at the
rate of _____% per annum.

Payments to cure pre-petition delinquency and other defaults to be paid:

☐ through trustee ☐ directly by debtor

Regular payments accruing post-petition to be paid:

☐ through trustee ☐ directly by debtor

B-7. UNSECURED CREDITORS NOT ENTITLED TO PRIORITY:

Unsecured creditors with claims not entitled to priority under the Bankruptcy Code will receive estimated payment of _ % of the present value of their allowed claims, without interest. For comparison, if the estate were liquidated under Chapter 7, the debtor estimates that the dividend to unsecured creditors would be approximately _____. This percentage is based upon the amount of debt listed by the debtor in the Chapter 13 schedule filed with the Court. If actual allowed claims are different than those scheduled by the debtor, the percent to be paid to unsecured creditors may change. It is estimated that distribution to the unsecured creditors will commence on the _____ month of the plan. This plan provides for payments of unsecured claims with secured and priority claims. The debtor proposes a concurrent distribution to unsecured creditors of \$ _____ to be paid pro rata.

B-8. EXECUTORY CONTRACTS AND LEASES:

- A. Rejection: The debtor will reject the following executory contracts and/or leases.

Other Party to Contract

Type of Agreement

Dated

- b. Assumption: The debtor will assume the following executory contracts and/or leases.

Other Party to Contract

Type of Agreement

Dated

B-9. TITLE OF PROPERTY TO REVEST IN DEBTOR:

Except as noted, all property of the debtor shall revest in the debtor upon confirmation of the plan.

Exceptions: _ none

B-10. OTHER PROVISIONS OF PLAN:

Other: _____ none

SECTION C - BUDGET

A photocopy of Budget, which is Schedules I and J of the bankruptcy schedules giving a summary of income and expenses, is attached. In addition, a pro forma reflecting the amount distributed to creditors during the pendency of the plan may be attached.

[Note to debtor: be sure that the budget is attached to each copy of the plan filed with the court or served upon a party in interest.]

SECTION D - SIGNATURE(S)

Dated: _____

Signature of Attorney

Signature of Debtor

Address of Attorney (If applicable)

Signature of Joint Debtor

City, State, Zip

Address of Debtor(s)

Telephone Number, including area code

City, State, Zip

Texas Bar Number

Telephone Number, including area code

SECTION E - PROOF OF SERVICE

The undersigned hereby certifies that on this date the foregoing Chapter 13 plan was served upon the standing Trustee, all creditors, and other interested parties by:

[] mailing a complete copy of the plan, including a photocopy of the Budget, to each party,
or by

[] _____

On the original and all copies filed with the Clerk, a separate Certificate of Service shall also be attached, indicating specifically the parties served (including their addresses), the method of service, the date of service, shall be signed, and shall state that service in compliance with Local Rule 9013 (g), if applicable, has been accomplished.

Dated: _____

Signature of attorney or pro se debtor

Printed Name

Additional Court-Ordered Notices

ADOPTION OF CHAPTER 13 PLAN FORMAT:

The Court for the Austin, Waco and Midland Divisions has adopted a Chapter 13 Plan Form which shall be used by all Chapter 13 Debtors in cases where the plan is filed after the effective date of the Standing Order. The Clerk shall make available to the public the Chapter 13 Plan Form.

FILING PROOFS OF CLAIM:

Proofs of claim and attachments must be filed in duplicate in order to be accepted for filing. All creditors must file a claim in order to be paid under the Plan. Secured creditors must attach proof of their perfected security interest. Every creditor filing a proof of claim shall transmit a copy with any attachments to the Debtor's attorney, or to the Debtor if appearing pro se.

Creditors have 90 days from the first date set for the meeting of creditors to file a proof of claim in a case. Debtors may file a proof of claim in the name of the creditor within 20 days after expiration of the time for filing claims prescribed by Rule 3002(c).

OBJECTIONS TO CLAIMS:

Objections to proofs of claim must be in writing and filed no later than 30 days prior to the confirmation hearing date.

MOTIONS TO VALUE PROPERTY:

Any request to value the property of the estate, including motions to determine the value of a creditor's secured claim under Code § 506, must be in writing and filed no later than 30 days prior to the confirmation hearing date.

RESPONSES TO OBJECTIONS TO CLAIMS:

RESPONSES TO MOTIONS TO VALUE PROPERTY:

OBJECTIONS TO THE DEBTOR'S PLAN OR REORGANIZATION:

AND DATE FOR HEARING ON SAME:

Any response to an objection to proof of claim or to a motion to value property as well as any objection to the confirmation of the debtor's plan of reorganization must be in writing and filed no later than 10 days prior to the confirmation hearing date. All such timely filed objections to confirmation and responses shall be heard at the confirmation hearing.

If any pleadings specified above are pending or if the Trustee does not recommend confirmation, the Debtor and Debtor's attorney shall attend the confirmation hearing at the place and time specified in this Notice.

If none of the above pleadings are pending and the chapter 13 Trustee recommends confirmation, the hearing will be deemed to have been waived by all parties and the Court may enter an order confirming the plan prior to the originally scheduled confirmation hearing date.

AMENDMENTS TO THE PLAN OF REORGANIZATION:

The last date that a debtor may seek to amend its plan of reorganization is not later than 30 days prior to the date scheduled for hearing on the confirmation of the plan. After this date, if the debtor does not wish to confirm the plan on file, it may seek approval to withdraw the plan without prejudice to the right to file an amended plan on such terms as the court may order. If leave to amend is not granted, the debtor may then seek to dismiss or convert the case. Further, the Court will only consider de minimis, nonsubstantive, or technical amendments to the plan at the confirmation hearing.

INTERIM DISBURSEMENTS BY THE CHAPTER 13 TRUSTEE:

The Chapter 13 Trustee shall be required to disburse, in the first regular disbursement following the §341 meeting, all funds received from the debtor in each case. For all disbursements made prior to the actual confirmation of the debtor's plan, the disbursement shall be made first to administrative expenses, including the Trustee's Fee and Expense Allowance and the debtor's attorney's fees as provided in the plan but not to exceed \$100/month; and then to other priority and secured creditors pursuant to the debtor's pending plan of reorganization. However, before disbursements are made to other priority or secured claimants, certain conditions must be established: (1) the claim must be listed in the debtor's schedules and not reflect that it is contingent, unliquidated or disputed; (2) the claimant must have a timely proof of claim on file; and (3) the claim as filed must agree with the classification in the Debtor's schedules. If there is a difference between amounts claimed and amounts scheduled by the debtor, for purposes of interim distribution, the Trustee will use the lower amount. No pre-confirmation disbursement will be made to claimants until all conditions are met.

PAYMENT PROCEDURE:

If a secured claim is scheduled to receive a specific monthly payment, the Chapter 13 software operates to pay that secured claim only that specific monthly payment, even if other secured claims are not filed. If a secured claim is scheduled to be paid a pro rata amount each month, and if other secured claims scheduled to be paid pro rata are not filed, the filed secured pro rata claim will receive a proportionately greater amount of money.

FILING AND SERVICE OF THE PLAN:

Failure to file a Chapter 13 Plan and Schedules and serve the Trustee with a file stamped copy within fifteen (15) days of the date of the Chapter 13 Petition, or failure to file an Application for extension of time to file such Plan and Schedules may result in summary dismissal of the case without notice of hearing.

Notwithstanding any provision of the Local Rules, the Debtor shall be responsible for serving a copy of the plan as filed with the Clerk of the Court, including Sections A - E, on the Chapter 13 Trustee, all creditors and other interested parties. The Plan must be served on creditors and other interested parties five (5) days following the filing of the Plan with Certificate of Service of such Plan served upon the Clerk and Trustee; failure to do so may result in summary dismissal without notice or hearing.

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

STANDING ORDER FOR CASE ADMINISTRATION FOR AUSTIN DIVISION

New Hearings Procedures for the Austin Division:

Attached to this Standing Order as Exhibit “A” is a copy of the New Hearings Procedures for the Austin Division. In relevant part they provide the following:

1. Continuance of First Meeting of Creditors (All Chapters):

Motions to continue should not be filed. The counsel or pro se debtor may ask the Trustee to call and then continue the meeting at its regularly scheduled time. Only if the Trustee disagrees should a motion for continuance be filed.

2. Excuse of Individual Joint Debtor from First Meeting of Creditors (All Chapters):

Motions to excuse an individual joint debtor from the First Meeting of Creditors should not be filed. As with continuances, counsel or pro se debtor may ask the Trustee to hold the meeting with the remaining co-debtor. Only if the Trustee disagrees to excuse the other co-debtor should a motion be filed.

3. Waiver of Pay Orders (Chapter 13):

Motions to waive pay orders, temporarily or permanently, should not be filed. Only if the Chapter 13 Trustee insists on a pay order at the First Meeting of Creditors should the counsel or pro se debtor file a motion seeking a waiver.

4. Extensions of Time to File Schedules and Statements of Affairs (Chapters 7 and 13):

So long as the debtor complies with B.R. 1007(a)(1) and notwithstanding B.Rule 1007(c), motions to extend time to file schedules, statements of affairs, etc. in Chapters 7 and 13 shall not be required unless the debtor cannot file the same within 20 days of the petition date or 5 business days before the §341 meeting, whichever is earlier. When schedules, etc. are not filed until 5 business days before the § 341 meeting, Debtor’s counsel shall deliver to the Trustee a copy simultaneous with their being filed. Any motions which seek an extension, shall state the cause specific to that particular case which justifies the request, or it will be summarily denied. Cause does not include “debtor needs more time” and like generic statements.

5. Settings Procedure (All Chapters):

The court has adopted specific procedures whereby contested matters in all chapters and adversary motions will be set for hearing without a docket call. These procedures are explained in detail in the attached document .

6. Disclosure Statements (Chapter 11):

The court has established specific dates for hearings to approve disclosure statements. However, the setting will all be handled by the clerk's office.

7. Expedited Matters:

Parties seeking to expedite hearings shall still be required to request by separate pleading expedited consideration. Discovery disputes will not be heard at such time.

8. Adversary Proceedings:

The Scheduling Order docketed in the Austin Division has been modified. A copy is attached.

9. Failure to seek Trustee's Permission Prior to Filing Certain Motions:

It is the court's intention to make certain matters easier to handle by counsel, pro se debtors, trustees and staff of the Judge's office and the Clerk's office. Specifically, the first three matters referenced in this Standing Order-Continuance of First Meeting of Creditors, Excusing Individual Co-Debtor from First Meeting of Creditors, and Waivers of Pay Orders, should be brought to the attention of the case Trustee before filing any motion with the court. Such matters may be raised at the First Meeting of Creditors and the Trustee may indicate approval or disapproval by notation in the Meeting Memo that is prepared at each such meeting. If a motion is filed without an indication therein that the debtor has first requested such relief from the Trustee and that the Trustee has denied the request, the Clerk of the Court will route such Motion directly to chambers where it may be dismissed without further notice or hearing.

10. Effective Date:

The effective date of all procedures, which the parties should read and comply with, is December 1, 2000.

11. Notice:

The Clerk of the Court shall send a copy of this Standing Order to all Panel Trustees, the U.S. Trustee and to the President of the Austin Bankruptcy Bar.

DATED: November 15, 2000.

Signed this 15th day of November 2000, by LARRY E. KELLY, CHIEF U. S. BANKRUPTCY JUDGE, LEIF M. CLARK, U. S. BANKRUPTCY JUDGE, RONALD B. KING, U. S. BANKRUPTCY JUDGE, and FRANK R. MONROE, U. S. BANKRUPTCY JUDGE.

EXHIBIT “A”

NEW HEARINGS PROCEDURE -- AUSTIN DIVISION THE HONORABLE FRANK R. MONROE

(Effective January 1, 1998)

As Amended September 1, 1999

As Amended January 1, 2000

As Amended December 1, 2000

Resetting of First Meeting of Creditors (Chapter 7 and Chapter 13)

Motions to reset the §341 meeting should not be filed. The Trustee shall have the right to approve a reset of the first scheduled 341 meeting for a period not exceeding 15 days or the next available Section 341 meeting. The Debtor will be required to serve a notice of the reset meeting on all creditors and file the notice with the Clerk. Deadlines for filing complaints under §523 and §727, or for filing proofs of claim will not be extended. It is only if the Debtor seeks an extension beyond 15 days or the Trustee denies the request that one should file a motion to reset and proposed order with the court.

When the Trustee approves the resetting of the 341 meeting, pursuant to Rule 2003(a) and Rule 9006(b), the Trustee shall convene the meeting on the appointed date and announce the reset date on the record.

Creditors and trustees may seek an extension of the deadline for filing discharge/dischargeability complaints by filing a motion with the court.

Motions to Excuse Co-Debtor from First Meeting of Creditors (All Chapters)

Motions to excuse an individual co-debtor should not be filed. The Trustee shall have the right to excuse the attendance of one individual co-debtor. This excuse must be noted by the Trustee on the 341 Memo that is prepared and filed in each case. Should the Trustee decline to excuse the co-debtor, then the Trustee may continue the 341 meeting, and at that time, the Debtors may, if they desire, file a motion to excuse attendance.

Waiver of Pay Orders (Chapter 13)

Motions to waive pay orders, either temporarily or permanently, should not be filed. The Trustee shall have the authority to waive the requirement of a pay order at the Section 341 meeting. The Trustee shall note the waiver on the proceeding memo. If the Trustee does not waive the pay order, the Debtor may then seek court approval by filing a motion consistent with the court's new docket call procedure.

Extensions of Time to File Schedules and Statements of Affairs (Chapters 7 and 13)

So long as the debtor complies with B.R. 1007(a)(1) and notwithstanding B.Rule 1007(c), motions to extend time to file schedules, statements of affairs, etc. in Chapters 7 and 13 shall not be required unless the debtor cannot file the same within 20 days of the petition date or 5 business days before the §341 meeting, whichever is earlier. When schedules, etc. are not filed until 5 business days before the § 341 meeting, Debtor's counsel shall deliver to the Trustee a copy simultaneous with their being filed. Any motions which seek an extension, shall state the cause specific to that particular case which justifies the request, or it will be summarily denied. Cause does not include "debtor needs more time" and like generic statements.

Settings Procedure

Contested matters in all chapters and adversary motions will **not** be set for docket call. They will be set for hearing each month as follows:

- 1st & 3rd Tuesdays at 2:00 p.m. - Chapter 7 contested matters
- 1st & 3rd Tuesdays at 10:00 a.m. - Chapter 13 contested matters
- 1st & 3rd Mondays at 1:30 p.m. - Chapter 11 contested matters
- 1st & 3rd Wednesdays at 1:30 p.m. - Adversary motion contested matters

The Clerk will set the hearing date and notify parties entitled to notice of the date and place of hearing by using the Bankruptcy Noticing Center. The hearing date will generally be the first date after twenty days after the date of the filing of the response in order to allow time for the court and movant to receive responses and prepare for the hearing. Please notify Anita Chapman, Courtroom Deputy (916-5847) for matters requiring a hearing of more than one (1) hour so that such matters may receive a special setting.

Moving parties shall use the negative notice language required in the local rules and shall place it on the first page of the pleading just below the title.

Disclosure Statements

Disclosure statements will be heard on the second Monday of each month at 1:30 p.m. once a disclosure statement has been filed with a plan. The Clerk's Office will set the hearing date and notify all parties entitled to notice of the date and place of hearing by using the Bankruptcy Noticing Center. Plan proponent's counsel will still be required to furnish a copy of the disclosure statement to any party-in-interest that so requests.

Expedited Matters

Parties will be required to request by separate pleading expedited consideration of their motions. The court will still grant or deny them on a case-by-case basis. Discovery disputes will not be heard at this time.

Adversary Proceedings

The attached revised "Scheduling Order" will be used in the Austin Division effective September 1, 1999.

Attached is a pattern calendar demonstrating a typical month of Judge Monroe's docket.

Please forward these new procedures to any out-of-town counsel for whom you appear in the Austin Division. The procedures are effective December 1, 2000.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE:

DEBTOR

PLAINTIFF

VS.

DEFENDANT

§
§
§
§
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CASE NO.

CHAPTER

ADVERSARY NO.

SCHEDULING ORDER

It is hereby **ORDERED, ADJUDGED AND DECREED** that the following dates and deadlines shall control this adversary proceeding:

1. **DISCOVERY DEADLINE:** _____, 2000.
2. **DEADLINE FOR DISPOSITIVE MOTIONS:** _____, 2000.
3. **DEADLINE FOR FILING PRE-TRIAL ORDER:** _____, 2000.
4. **DOCKET CALL FOR TRIAL:** _____, 2000, AT _____ P.M.

It is further **ORDERED** that all deadlines and requirements in the Addendum attached hereto shall be a part of this Order and shall be adhered to by all parties to this adversary proceeding.

Signed this _____ day of _____, 2000.

United States Bankruptcy Judge

ADDENDUM TO SCHEDULING ORDER

Issue having been joined, it is hereby **ORDERED**:

1. Counsel residing outside the State of Texas shall designate local counsel in writing, giving the street address, telephone number and mailing address. The designation shall be filed with the Clerk of the Court in this proceeding, and a copy shall be sent to all other counsel of record in this proceeding. This provision may be waived by the Court upon motion of counsel and service upon other parties.
2. **ALL DISCOVERY MUST BE COMMENCED AND COMPLETED BY THE DISCOVERY DEADLINE PROVIDED IN THIS ORDER.**
 - a. Designation of experts shall be an issue at any pretrial conference.
 - b. Counsel are encouraged to resolve discovery disputes by agreement. Motions to compel, motions for protective orders and similar motions, while not prohibited, may result in sanctions being imposed on the losing party or both parties as provided in Fed. R. Bankr. P. 7037 & 9011 or 28 U.S.C. section 1927, if a hearing is required thereon.
 - c. If applicable, parties may file dispositive motions under Fed. R. Bankr. P. 7012 & 7056 and Fed. R. Civ. P. 12(b) & 56. Such motions, if filed, must be filed by the deadline for dispositive motions in this Order. Responses to motions under FRBP 12 and 56 must be filed within 20 days after the Motion is filed. **ALL OTHER MOTIONS IN THIS ADVERSARY PROCEEDING, UNLESS UNOPPOSED, REQUIRE THE FILING OF A WRITTEN RESPONSE WITHIN 10 DAYS, OR THE MOTION MAY BE GRANTED WITHOUT A HEARING.**
 - d. All discovery shall be commenced at a time which allows for the full response time provided by applicable rules on or before the discovery deadline.

E.g., if the discovery deadline is July 15, interrogatories must be actually delivered on or before June 15 in order to allow thirty days for answers. If the interrogatories are mailed, then they must be mailed on or before June 12, pursuant to FED. R. BANKR. P. 9006(f), to allow three additional days for service by mail.

- e. The Court may, upon motion and for cause shown, extend, reduce, or otherwise modify the deadlines set out in the Scheduling Order. Mere agreement of the parties to such extensions or modifications is not of itself sufficient cause.
3. An original and one copy of the Pre-Trial Order must be filed on or before the Pre-Trial Order deadline provided in this Order. If the Pre-Trial Order is not timely filed, a default judgment may be rendered or the proceeding may be dismissed for want of prosecution. Counsel may agree on a single Pre-Trial Order; however, if counsel cannot agree, counsel must file separate proposed Pre-Trial Orders on or before the deadline. The proposed Pre-Trial Order shall contain the following:
- a. A short and concise statement of the nature of the dispute.
 - b. A statement as to jurisdiction, including whether the matter is core or non-core, and if non-core, whether the parties consent to the entry of a final order by the bankruptcy judge.
 - c. A summary of the agreed facts.
 - d. A summary of the agreed applicable law.
 - e. A summary of the disputed factual issues.
 - f. A summary of the disputed legal issues. Such summary shall include a discussion of laws involved by specific reference to code provisions, state or federal statutes and/or regulations, applicable rules of procedure and conflict questions, if any. (Copies of regulations must be attached.)
 - g. A list of witnesses who may be called, accompanied by a short and concise statement of their proposed testimony.
 - h. A numbered list of exhibits upon which the parties intend to rely at trial.

- i. An estimate of the length of time required to hear the complete trial on the merits.
 - j. A certificate that a conference of counsel has been held regarding settlement, stipulations of agreed facts, and simplification of the issues.
4. Counsel and unrepresented parties must confer prior to the date the Pre-Trial Order is required to be filed, to fully explore the possibility of settlement, to stipulate to matters not in dispute and to simplify the issues. The Pre-Trial Order shall contain a certificate to the effect that the conference of counsel has been held. Counsel must also confer in an effort to determine whether the original time estimate for trial is correct or should be revised. If the parties wish to have a pre-trial conference with the Court, a pre-trial conference should be requested as early as possible, but at least 60 days prior to the trial. No pre-trial conference will be scheduled with the Court unless absolutely necessary, except as follows:

IF COUNSEL'S ESTIMATE OF TRIAL TIME IS 5 HOURS OR MORE, A PRE-TRIAL CONFERENCE MUST BE REQUESTED. IT WILL BE THE PARTIES' BURDEN TO MAKE WRITTEN REQUEST FOR THE PRE-TRIAL CONFERENCE IN SUCH INSTANCE, WITHIN 30 DAYS AFTER THE DATE OF THIS ORDER. DESIGNATION OF EXPERTS SHALL BE AN ISSUE AT ANY PRE-TRIAL CONFERENCE.

IF A JURY DEMAND IS FILED BY ANY PARTY TO THE PROCEEDING, THAT PARTY MUST FILE A WRITTEN REQUEST (WITH SERVICE UPON ALL OTHER PARTIES) FOR A PRE-TRIAL CONFERENCE WITHIN 30 DAYS OF THE DATE OF THE FILING OF THE JURY DEMAND, OR WITHIN 30 DAYS OF THE DATE OF THIS ORDER, WHICHEVER IS LATER, OR THE JURY DEMAND WILL BE WAIVED. THIS WRITTEN REQUEST FOR PRE-TRIAL CONFERENCE MUST BE ACCOMPANIED BY A BRIEF ADDRESSING THE FOLLOWING ISSUES :

- (1) Whether the matter or matters are core or non-core proceedings;
- (2) Whether the party consents to the conduct of a jury trial by the bankruptcy judge or, if not, whether the party has filed a motion to withdraw the reference;
- (3) Whether the party is entitled to a jury trial under applicable law.

5. Any legal briefs to be considered by the Court at the trial of this proceeding must be submitted at the same time and in the same manner as the Pre-Trial Order and must be separately bound.
6. Trial exhibits (other than rebuttal, demonstrative and physical exhibits) shall be bound at the side, in book form, separated by tabbed dividers with a cover sheet listing the exhibits. Each exhibit shall bear a standard exhibit label on the bottom of the first page of the exhibit identified.- Exhibits shall be exchanged not later than 5 calendar days prior to docket call. *See Bankruptcy Local Rule 7016(g)(3).*
7. **DOCKET CALL IS SET ON THE DOCKET CALL DATE PROVIDED IN THE SCHEDULING ORDER.**

The only matters to be considered by the Court at docket call are as follows:

- a. Date, time and place of trial following docket call.
- b. Properly and timely-filed motions for continuance or for default judgment.
- c. Motions not previously ruled on under FED. R. CIV. P. 12 and FED. R. BANKR. P. 7012.
- d. Settlement announcements.

FAILURE TO ATTEND DOCKET CALL MAY RESULT IN DISMISSAL OR RENDITION OF FINAL JUDGMENT. YOU MAY, HOWEVER, AUTHORIZE ANY MEMBER OF THE BAR OF THIS COURT, INCLUDING OPPOSING COUNSEL, TO MAKE AN APPEARANCE ON YOUR BEHALF AT DOCKET CALL, IF THERE ARE NO CONTESTED MOTIONS FOR CONTINUANCE, MOTIONS FOR DEFAULT JUDGMENT OR MOTIONS UNDER FED. R. CIV. P. 12 AND FED. R. BANKR. P. 7012.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS**

**AMENDED STANDING ORDER RELATING TO
CHAPTER 13 PRACTICES IN THE SAN ANTONIO DIVISION**

The following Amended Standing Order supersedes the Amended Standing Order Relating to Chapter 13 Practices in the San Antonio Division and is applicable in the San Antonio Division only. It sets out certain practices and procedures relating to Chapter 13 practice and procedure.

IF YOU ARE INVOLVED IN CHAPTER 13 CASES IN THE WESTERN DISTRICT OF TEXAS IN THE SAN ANTONIO DIVISION, PLEASE REVIEW THE TERMS OF THIS ORDER CAREFULLY. THE PROCEDURES SET OUT HEREIN WILL DIRECTLY AFFECT YOUR PRACTICE. PLEASE NOTE THAT THE PROCEDURES DISCUSSED IN THIS STANDING ORDER APPLY IN THE SAN ANTONIO DIVISION ONLY. THE PROCEDURES IN THE AUSTIN, WACO, EL PASO AND MIDLAND DIVISIONS, WHICH ARE THE SUBJECT OF THIS STANDING ORDER, MAY BE DIFFERENT AND MAY BE SUBJECT TO OTHER STANDING ORDERS APPLICABLE TO THOSE DIVISIONS. PLEASE CONSULT THE CLERK OF THE COURT FOR COPIES OF ANY OTHER APPLICABLE STANDING ORDERS.

- 1. GENERAL PROCEDURES REGARDING AMENDED PLAN AND PLAN SUMMARY**
 - a. If the Plan is amended prior to Confirmation, the Debtor/Debtor's attorney shall file the Amended Plan Summary and shall serve a copy of the Amended Plan Summary prominently displaying the notice of the 20-day objection language.
 - b. The Amended Plan Summary shall be served upon all creditors and parties in interest, and upon the Chapter 13 Trustee, within two (2) days after filing.
- 2. GENERAL PROCEDURES REGARDING MOTIONS TO MODIFY PLANS (INCLUDING MOTIONS FOR "MORATORIA"), MOTIONS TO CURE PLAN ARREARAGES, MOTIONS TO SELL PROPERTY, AND MOTIONS TO INCUR DEBT**
 - a. All postconfirmation Motions to Modify Chapter 13 Plans (other than modifications which increase Plan payments without extending the Plan term, or modifications which reduce the Plan term without reducing Plan payments) must

- (1) be noticed to all creditors and parties in interest (including the Chapter 13 Trustee);
- (2) contain negative notice language affording creditors a twenty-day opportunity to file objections to the proposed relief;
- (3) specifically indicate the number of months (if any) which the motion proposes to extend the term of the Plan from the date of Confirmation through completion.

These motions do *not* require "pre-approval" from the Chapter 13 Trustee. A motion for "moratorium" or to "cure Plan arrearages" or "to temporarily suspend Plan payments" is a Motion to Modify Plan.

Special procedures apply to Motions to Modify Plan which are filed in response to a Trustee's Motion to Dismiss. See ¶ 5, *infra*.

- b. All debtors' Motions to Sell Property and all Motions to Incur Debt may be filed with 20-day negative notice language. Such motions do not require the Trustee's "pre-approval." A motion which does not contain 20-day negative notice language may be dismissed by the Court, or alternatively may be set in the ordinary course.

3. EXPEDITED PROCEDURES REGARDING MOTIONS TO MODIFY PLANS (INCLUDING MOTIONS FOR "MORATORIA"), MOTIONS TO CURE PLAN ARREARAGES, MOTIONS TO SELL PROPERTY, AND MOTIONS TO INCUR DEBT.

If expedited consideration of any of the foregoing motions in ¶ 2, *supra*, is required, then the following procedures apply:

- a. The motion *must* be entitled as follows:

EXPEDITED MOTION, WITH TEN (10) DAY NOTICE,
TO [RELIEF REQUESTED]

- b. The motion must be served on all creditors and parties in interest, including the Chapter 13 Trustee, and must contain the following notice prominently indicated on the first page of the motion:

YOU HAVE TEN (10) DAYS TO OBJECT TO THIS MOTION.

IF THE COURT DETERMINES THAT THIS MOTION DOES NOT QUALIFY FOR EXPEDITED CONSIDERATION, THIS MOTION MAY BE SET FOR HEARING IN THE ORDINARY COURSE. YOU WILL RECEIVE NOTICE OF THAT SETTING.

OTHERWISE, IF NO OBJECTIONS ARE TIMELY FILED TO THIS MOTION, AND THE COURT IS SATISFIED THAT THIS MOTION QUALIFIES FOR EXPEDITED CONSIDERATION, NO HEARING WILL BE SET, AND THE COURT WILL ENTER AN ORDER GRANTING THE RELIEF REQUESTED.

- c. The motion must set out specific grounds for expedited consideration.

These motions do not require "pre-approval" by the Chapter 13 Trustee. Failure to include either the appropriate title, as required in ¶ 3(a), or to include the required notice language as set out in ¶ 3(b), may result in the summary dismissal of the motion, or in the alternative, in the motion being set in the ordinary course.

The foregoing procedure is to be employed in lieu of motions for expedited hearing. The Court may, in its discretion, summarily deny motions for expedited hearing where it appears that the party could have but did not employ the procedures set out in this paragraph.

4. EMERGENCY REFUNDS

In a valid emergency, when the debtor can demonstrate the need for an immediate refund, the Chapter 13 Trustee is authorized to issue an immediate refund of Plan payments to the debtor, upon the following conditions:

- a. A motion must be filed which must bear the following entitlement:

MOTION FOR EMERGENCY REFUND

- b. A copy of the motion is to be furnished to the Chapter 13 Trustee, accompanied by a Trustee Refund Request Form (forms available from the office of the Chapter 13 Trustee).
- c. The motion must set out specific grounds for the emergency refund.

- d. The motion must include provision for positive cure (*i.e.*, affirmative repayment) of the amount refunded without an extension of Plan payments.

The Trustee is authorized to issue the refund prior to the Court's ruling on the motion.

5. TRUSTEE'S MOTIONS TO DISMISS CASE AND DEBTORS' MOTIONS TO MODIFY IN RESPONSE TO THE TRUSTEE'S MOTION

- a. A Trustee's Motion to Dismiss Case shall be set for hearing not less than 60 days from the date of service of the motion.
- b. If the debtor desires to cure the default and continue the Chapter 13 case, then the debtor must respond to the Motion to Dismiss with a Motion to Modify Plan in Response to Trustee's Motion to Dismiss. The debtor's motion must be entitled:

**DEBTOR'S MOTION TO MODIFY PLAN IN
RESPONSE TO TRUSTEE'S MOTION TO DISMISS CASE**

- c. The Motion to Modify Plan in Response to Trustee's Motion to Dismiss Case must contain the following special twenty-day notice language prominently indicated on the first page of the pleading:

IF YOU OBJECT TO THIS MOTION TO MODIFY PLAN, YOU MUST FILE A WRITTEN OBJECTION WITH THE CLERK OF THE COURT WITHIN TWENTY (20) DAYS OF THE DATE OF SERVICE OF THIS MOTION. IF AN OBJECTION IS FILED, THEN A HEARING ON THE MOTION WILL BE HELD ON [DATE OF HEARING] AT [TIME OF HEARING]. FAILURE TO FILE A TIMELY OBJECTION OR TO APPEAR AT THE HEARING MAY RESULT IN THE COURT'S GRANTING THE RELIEF REQUESTED.

- d. The foregoing notice must supply (where indicated), the date and time of hearing on the Trustee's Motion to Dismiss Case (as any objection to the Motion to Modify Plan will be heard at the same time). If no objections are timely filed, then no hearing will be set on the Motion to Modify Plan.
- e. The Motion to Modify Plan in Response to Trustee's Motion to Dismiss Case *must* be filed and served not less than twenty-five (25) days prior to the scheduled hearing on the Trustee's Motion to Dismiss.

The Trustee's "pre-approval" is not required for Motions to Modify Plans in Response to Motions to Dismiss Case.

If a Motion to Modify Plan in Response to Trustee's Motion to Dismiss Case fails to contain the foregoing title, requisite notice, or hearing date and time, or if the motion is not timely filed, then the Court may dismiss the debtor's Motion to Modify for failure to comply with these procedures.

BY ORDER OF THE COURT

DATED: November 15, 2000.

Signed this 15th day of November 2000, by LARRY E. KELLY, CHIEF U. S. BANKRUPTCY JUDGE, LEIF M. CLARK, U. S. BANKRUPTCY JUDGE, RONALD B. KING, U. S. BANKRUPTCY JUDGE, and FRANK R. MONROE, U. S. BANKRUPTCY JUDGE.

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
_____ DIVISION

IN RE:

CASE NO.

DEBTOR(S)

CHAPTER 13

CHAPTER 13 PLAN SUMMARY

<u>NOTICE:</u>	Local Rule 3002 provides, in part: "Every Creditor filing a Proof of Claim in all cases shall transmit a copy with attachments, if any, to the Debtor's attorney."
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Creditors

are hereby notified WITHOUT FURTHER NOTICE that the Plan may be amended at the First Meeting of Creditors (341 (a) meeting). Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments and estimates of allowed claims may also change. The following information is an attempt to advise Creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the First Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the office of the U. S. Bankruptcy Clerk.

- (c) The Debtor's Plan Payment is scheduled at \$ _____ monthly. " Pay Order, " Pay Order waived.
- (d) The Plan proposes to pay in full all allowed priority, special class and secured claims to the extent of the value of their collateral, and approximately _____ % of the unsecured allowed claims in _____ months. (See Note 1).
- (e) Value of nonexempt assets \$ _____. " Federal or " State. " Consumer Debtor or " Business Debtor.
- (f) Debtor monthly net income \$ _____ - expenses \$ _____ = available for plan \$ _____.
- (g) If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in the "Remarks" Section for such debt.

Note 1: Creditors should note that the Debtor(s)' projection of the percentage payment of allowed general unsecured claims is only an estimate. Such percentage is based upon the amount of debt of all classes listed by the Debtor(s) in the Debtor(s)' schedules filed with the Court. If actual claims (including any amended claims) are filed and allowed by the Court in an amount greater than that scheduled by the Debtor(s), the percentage paid to unsecured creditors may be less than estimated here.

PRIORITY CREDITORS:

Creditor	Estimated Amount of Debt	Payment Method 1. Before 2. After 3. Along with Secured Creditors	Remarks
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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
_____ DIVISION

IN RE:

CASE. NO.

DEBTOR(S)

CHAPTER 13

CHAPTER 13 PLAN SUMMARY

Continuation Sheet # 1

SECURED CREDITORS:

Creditor / Collateral	Estimated Amount	Estimated Value	Unsecured Portion	Mo. Pmt. or Method of Disbursement on Est. Value	Insured (Yes/No) Name of Insurance	Indicate if to be Sold or Returned	Int. Rate	Remarks
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SPECIAL CLASS UNSECURED CREDITORS:

Creditor	Special Condition	Estimated Debt	Mo. Pmt. or Method of Disbursement on Est. Value	Remarks
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GENERAL UNSECURED CREDITORS:

Creditor	Estimated Debt	Remarks
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If your claim does NOT appear above as a priority, secured, or special class claim, then your claim is proposed as a general unsecured claim (there is no lien or security interest on collateral securing its repayment). You will be paid on a pro-rata basis, which means in an amount as the amount of your claim relates to the total amount of unsecured debts (see below for that amount). The Plan presently proposes to pay to the unsecured class approximately 100% of the allowed amount of the claim. Unsecured claims are normally paid toward the end of the plan after payment to priority, secured and special class unsecured claims, so it may be some time before you begin receiving payments from the Trustee.

TOTALS OF DEBTS BEING TREATED UNDER THE PLAN:

Total Priority \$ _____, Total Secured \$ _____, Total Special Class \$ _____, Total Unsecured \$ _____.

(including unsecured portions of secured debts)

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
_____ DIVISION

IN RE:

DEBTOR(S)

CASE. NO.

CHAPTER 13

CHAPTER 13 PLAN SUMMARY

Continuation Sheet # 2

Dated: _____

Attorney for Debtor(s)

Additional Court-Ordered Notices

Plan Summary

A Plan Summary is attached. Please review it carefully. It sets out the proposed treatment of all creditors, including the proposed valuation of all collateral. The Plan may be amended without further notice at the first meeting of creditors, and such amendments may affect your treatment as a creditor.

Amended Plan and Plan Summary

If the plan is amended prior to Confirmation, the Debtor/Debtor's attorney shall file the Amended Plan Summary and shall serve a copy of the Amended Plan Summary prominently displaying the notice of 20-day objection language upon all creditors and parties in interest, and upon the Chapter 13 Trustee, within two (2) days after filing.

Proofs of Claim

Proofs of claim must be filed in duplicate and a copy (with all attachments) shall be served on debtor's counsel. Secured creditors must attach proof of their perfected secured status. Secured and priority creditors are strongly urged to file their claims *prior to* the meeting of creditors so that the Plan's feasibility can be determined at that time.

Objections to Confirmation

With the exception of objections to valuations of secured debt of the taxing authorities, any objections to Confirmation of the Plan (including any objections to the valuation of specific creditors' collateral as set out in the Plan Summary), must be raised *at or prior to* the meeting of creditors (the section 341 meeting). The objection must be reduced to writing within ten (10) days after the meeting of creditors and filed with the Court.

Confirmation Hearings

If there are no timely objections to Confirmation of the debtor's Plan (or to the proposed valuations of creditors' collateral) and the Trustee otherwise recommends Confirmation, the actual Confirmation Hearing will be deemed waived by all parties, and the Court may enter an Order Confirming the Plan prior to the scheduled Confirmation Hearing date, and the debtor is excused from attending. Absent a specific objection to Confirmation from a taxing authority, valuation issues concerning taxing authorities will not preclude the Confirmation of a Plan and will be addressed through either the claims objection process or the Trustee's Recommendation Concerning Claims.

If there is a timely objection to the debtor's Plan or to the proposed valuation of any item of collateral, then the Confirmation Hearing will be held on the date set, at which hearing the Court may consider and decide all Confirmation and valuation issues raised by the objections. If there are no objections, but the Trustee *does not* recommend Confirmation, then there shall be a Confirmation Hearing.

The Debtor and the Debtor's Attorney Shall Attend This Confirmation Hearing.

Valuation of Collateral

Except for the value of collateral securing a claim of a taxing authority, the value of collateral set out in the debtor's Plan (see the Plan Summary) shall be the value fixed by the Court by Confirmation of the Plan, unless a timely Objection to Confirmation is filed. The objection must specifically object to the proposed valuation and request a hearing thereon. Any objection to valuation will

be heard at the Confirmation Hearing, and no Plan will be confirmed until the valuation objection is resolved, except for the value of collateral securing a claim of a taxing authority. The valuation of collateral by the Court shall not relieve a secured creditor from the duty to file a Proof of Claim in order to be paid under the Plan.

In the event a creditor timely files a Proof of Claim which evidences a perfected security interest in collateral, which claim and collateral were not dealt with by the debtor's Plan, the collateral will be deemed valued by the Court at the amount set forth in the Trustee's Recommendation Concerning Claims, unless a response or objection is timely filed.

Bar Date for Objection to Claims

All objections to any Proof of Claim must be filed no later than twenty (20) days after the date of service of the Trustee's Recommendation Concerning Claims (which will be served on all creditors). Absent objections, all claims will be deemed allowed as set forth in the Trustee's Recommendation Concerning Claims.

Summary Dismissal

The Court may dismiss a Chapter 13 case upon certification from the Clerk of the Court or the Chapter 13 Trustee, with notice to the debtor and/or the debtor's attorney and a ten-day opportunity to cure, for the debtor's failure to pay filing fees (including installment filing fees) when due.

The Court may dismiss a Chapter 13 case upon certification from the Chapter 13 Trustee of the debtor's failure to appear at the first meeting of creditors, when such nonappearance has not otherwise been excused by an order of this Court.

The Court may, at the Confirmation Hearing and upon request of the Chapter 13 Trustee at said hearing, dismiss a Chapter 13 case for failure of the debtor to obtain Confirmation of the Chapter 13 Plan.

**By Order of the Court
United States Bankruptcy Judge**

Additional Court-Ordered Notices

Summary Dismissal

The Schedules, Plan and/or Plan Summary have not been filed to date. The debtor and/or the debtor's attorney must file these documents and must serve a copy of the Plan Summary on all creditors and parties in interest within two (2) days after filing. A certificate of such service shall be filed with the Clerk, and a copy thereof shall be sent to the Chapter 13 Trustee.

Notice to the Debtor and the Debtor's Attorney

If the Plan, Schedules and Plan Summary are not filed and a file-stamped copy served on the Chapter 13 Trustee within 15 days of the filing of the case (unless the time for filing has been extended by the Court), or if the debtor fails to serve the Plan Summary as directed herein, then the Trustee may certify these facts to the Court, and the Court may summarily dismiss this case without further notice of hearing.

The Court may dismiss a Chapter 13 case upon certification from the Clerk of the Court or the Chapter 13 Trustee, with notice to the debtor and/or the debtor's attorney and a ten-day opportunity to cure, for the debtor's failure to pay filing fees (including installment filing fees) when due.

The Court may dismiss a Chapter 13 case upon certification from the Chapter 13 Trustee of the debtor's failure to appear at the first meeting of creditors, when such nonappearance has not otherwise been excused by an order of this Court.

The Court may, at the Confirmation Hearing and upon request of the Chapter 13 Trustee at said hearing, dismiss a Chapter 13 case for failure of the debtor to obtain Confirmation of the Chapter 13 Plan.

Plan Summary

A Plan Summary has not yet been filed but will be served on all creditors when filed or the case will be summarily dismissed. Please review the Plan Summary carefully. It sets out the proposed treatment of all creditors, including the proposed valuation of all collateral. The Plan may be amended without further notice at the first meeting of creditors, and such amendments may affect your treatment as a creditor.

Amended Plan and Plan Summary

If the Plan is amended prior to Confirmation, the Debtor/Debtor's attorney shall file the Amended Plan Summary and shall serve a copy of the Amended Plan Summary prominently displaying the notice of 20-day objection language upon all creditors and parties in interest, and upon the Chapter 13 Trustee, within two (2) days after filing.

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Proofs of Claim must be filed in duplicate and a copy (with all attachments) shall be served on the debtor's counsel. Secured creditors must attach proof of their perfected secured status. Secured and priority creditors are strongly urged to file their claims *prior to* the meeting of creditors so that the Plan's feasibility can be determined at that time.

Objections to Confirmation

With the exception of objections to valuations of secured debt of the taxing authorities, any objections to Confirmation of the Plan (including any objections to the valuation of specific creditors' collateral as set out in the Plan Summary), must be raised *at or prior to* the meeting of creditors (the section 341 meeting). The objection must be reduced to writing within ten (10) days after the meeting of creditors and filed with the Court.

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**By Order of the Court
United States Bankruptcy Judge**